THE BOMBAY LAND REVENUE CODE, 1879.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1 Short Title.
Local extent.
2 [*Repealed.*]
3. Interpretation-section.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

4. Chief controlling authority in revenue matters.
Extent of territories under the Commissioners.
The territories under a Commissioner to be a division.
5. Appointments and duties of Commissioners.
6. Assistants to Commissioners.
7. Division to be divided into districts.
A district to consist of talukas comprising such mahals and villages as State Government may direct.
7A. Power of State Government to alter limits of, or to amalgamate or constitute villages.
8. Collector of the district.
9. Assistant and Deputy Collector;
to be subordinate to the Collector.
10. Their duties and powers.
11. Collector of the district in case of temporary vacancy.
12. The Mamlatdar;
His appointment.
His duties and powers.
13. The Mahalkari;
His duties and powers.
14. Mamlatdar or Mahalkari may depute subordinates to perform certain of his duties.
15. Mamlatdar or Mahalkari in case of temporary vacancy.
16. Stipendiary Patel and Village-Accountant to be appointed where no hereditary Patel or Village-Accountant exists.
Saving the rights of holders of alienated villages.
17. Village-Accountant to keep such records as he may be required to keep by the Collector;
and to prepare public writings.
18. Survey Officers;
their duties and powers.
19. Combination of offices
20. Certain officers' appointments to be notified.
Acting appointments.
21. [*Omitted.*]
22. Seals.

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

SECTIONS.

23. [*Omitted.*]
24. [*Omitted.*]
25. Demands for money, papers, etc., to be made known in writing to the person concerned;
who may be arrested and confined in jail if he fails to produce them.
Provided that no person shall be kept in confinement for more than a month.
26. Public moneys may also be recovered as arrears of revenue; and search warrant may be issued for recovery of papers or property.
Persons in possession of public moneys, etc., bound to give them up.
27. Surety to be liable in the same manner as principal.
Extent of liability.
Sureties not liable to imprisonment, if penalty be paid.
28. An officer or surety in jail may, by furnishing certain security, obtain his release.
29. Liability of surety not affected by death of principal or by his taking a different appointment.
Liability of heirs of deceased officer.
30. How surety may withdraw from further liability.

CHAPTER IV.

[OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND OF THEIR PUNISHMENT FOR MISCONDUCT.] [*Omitted.*]

CHAPTER V.

OF LANDS AND LAND REVENUE.

37. All public roads, etc., and all lands which are not the property of others belong to the Government.
37A. Extinction of rights of public and individuals in or over any public road, lane or path not required for use of public.
38. Lands may be assigned for special purposes and when assigned shall not be otherwise used without sanction of the Collector.
39. Regulation of use of pasturage.
39A. Recovering value of natural products unauthorizedly removed from certain lands.
40. Concession of Government rights to trees in case of settlements completed before the passing of this Act.
Ditto in case of settlements completed after the passing of this Act.
Ditto in case of land taken up after completion of settlement.
41. Trees and forests vesting in the Government.
42. Road side trees.
43. Recovery of value of trees, etc., unauthorizedly appropriated.
44. Regulation of supply of fire wood and timber for domestic or other purposes.
45. All land liable to pay revenue unless specially exempted.
And special exemption may in case of necessity be over-ruled for a time.

Sections.

46. Liability of alluvial lands to land revenue.
47. Assessment of land revenue in cases of diluvion.
48. Manner of assessment and alteration of assessment.
Prohibition of use of land for certain purposes.
49. Commuted assessment of land indirectly taxed to the State.
And of land liable to occasional assessment.
50. Superior holder may recover commuted assessment from inferior holder.
51. Excess of assessment may be laid on land inadequately assessed held with it.
52. Assessment by whom to be fixed.
Proviso.
53. Register of alienated lands.
54. Settlement of assessment to be made with the holder directly from Provincial Government.
55. Rates for the use of water.
56. Land revenue to be a paramount charge on the land.
57. Forfeited holdings may be taken possession of and otherwise disposed.
58. Receipts.
59. Penalty for failure to grant receipts.

CHAPTER VI.

Of the Grant, Use and Relinquishment of Unalienated Land.

60. Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.
61. Penalties for unauthorized occupation of land.
62. Unoccupied land may be granted on conditions.
63. Grant of alluvial land vesting in the Crown.
64. Temporary right to alluvial lands of small extent.
65. Uses to which occupant of land for purposes of agriculture may put his land.
Procedure if occupant wishes to apply his land to any other purpose.
Fine to be levied for such use in addition to special assessment.
66. Penalty for so using land without permission.
Tenant responsible to occupant in damages.
67. Permission may be granted on terms.
68. Occupant's rights are conditional.
Proviso.
69. Reservation of right of the Crown to mines and mineral products.
Proviso.
70. Occupancy when not liable to process of Civil Court; the Court to give effect to Collector's certificate.
71. [*Repealed.*]
72. Intestate occupancy or holding to be sold.
73. Occupancy to be transferable and heritable.
73A. Power to restrict right of transfer.
74. Relinquishment.
75. [*Repealed.*]
76. Relinquishment of land described in paragraph 1 of section 49.
Relinquishment of land described in section 51.

Sections.

77. Right of way to relinquished land.
78. Saving of operation of section 74 in certain cases.
79. [*Repealed.*]
79A. Summary eviction of person unauthorizedly occupying land.
80. To prevent forfeiture of occupancy, certain persons other than the occupant may pay the land revenue.
Collector may assist such persons in recovering the revenue from other parties liable therefor.
Proviso.
81. [*Repealed.*]
82. Provincial Government empowered to suspend operation of section 60 or 74.

CHAPTER VII.

OF SUPERIOR AND INFERIOR HOLDERS.

83. Amount of rent payable by tenant.
Duration of tenancy.
Presumption as to tenure.
Saving clause.
84. Annual tenancy terminates on the 31st March.
Three months' notice of termination of tenancy to be given by landlord to tenant, or *vice versa*.
84A. Order granting suspensions or remissions to inferior holders.
Such order not to be questioned in any Court.
Consequences following on such order.
Crop-share fixed by custom or agreement.
Meaning of assessment.
Sind excluded.
85. Recovery of superior holders' dues.
86. Superior holders entitled to assistance in recovery of dues from inferior holders, etc.
But application must be made within the revenue year or within the year of tenancy.
87. The Collector how to proceed on such application being made.
Assistance may be refused or granted to a limited extent only.
Civil suit not to be barred.
88. [*Repealed.*]
89. [*Repealed.*]
90. [*Repealed.*]
91. [*Repealed.*]
92. [*Repealed.*]
93. [*Repealed.*]
94. [*Repealed.*]
94A. Recovery as revenue demand of dues of certain superior holders for specified period.

CHAPTER VIII.

Of Surveys, Assessments and Settlements of Land Revenue.

Sections.

95. Revenue survey may be introduced by State Government into any part of Presidency.
Control of revenue survey.
96. Survey officer may require, by general notice or by summons, suitable service from holders of land, etc.
97. Assistance to be given by holders and others in the measurement or classification of lands.
98. Survey numbers not to be of less than a certain extent.
Exception.
99. [*Repealed.*]
100. [*Repealed.*]
101. [*Repealed.*]
102. [*Repealed.*]
103. [*Repealed.*]
104. [*Repealed.*]
105. The fixing of assessment under section 102 limited to ordinary land revenue.
106. State Government may direct a fresh survey and revision of assessment.
107. [*Repealed.*]
108. Preparation of statistical and fiscal records.
109. [*Repealed.*]
110. [*Repealed.*]
111. Revenue management of villages or estates not belonging to the Government that may be temporarily under the management of State Government.
112. Maintenance of existing settlements of land revenue.
113. Partition.
114. [*Repealed.*]
115. [*Repealed.*]
116. Division of survey numbers into new survey numbers.
117. Bombay Act V of 1862 not affected.
117A. Division of survey numbers into sub-divisions.
117B. Provisions applicable on relinquishment or forfeiture of a sub-division.

CHAPTER VIII-A.

Assessment and Settlement of Land Revenue of Agricultural Land.

117C. Interpretation section.
117D. Government may direct an original or revision settlement of land revenue of lands comprised in a revenue survey.
117E. The term of settlement.
117F. Limits of enhancement of assessment.
117G. Assessment how determined.
117H. Increase in value due to improvements at the expense of holders not to be taken into account.

Sections.

117I. Settlement Officer how to proceed for making a settlement.
117J. Settlement report to be printed and published.
117K. Submission to Government of settlement report with statement of objections etc. and Collector's opinion thereon.
117KK. Reference to Revenue Tribunal.
117L. Settlement report to be laid on table of Legislature and copies to be supplied to the members of each Chamber.
Orders on the Settlement Report.
117M. Power of Government to declare particular settlement to be made with reference to prices.
117N. Power to Government to exempt from assessment for water advantages.
117O. Introduction of settlement.
117P. Assessment of lands wholly exempt from payment of land revenue.
117Q. Power to Government to direct assessment for water advantages.
117R. Settlements made before this Act to be deemed to be made under this Chapter.

CHAPTER IX

The Settlement of Boundaries and the Construction and Maintenance of Boundary-marks.

118. Determination of village-boundaries.
Village-boundaries may be settled by agreement.
Procedure in case of disagreement or dispute.
119. Determination of field-boundaries.
120. Settlement of boundary disputes by arbitration.
When award may be remitted for reconsideration.
If arbitration fail, survey officer to settle dispute.
121. Effect of the settlement of a boundary.
122. Construction and repair of boundary-marks of survey numbers and villages.
Requisition on landholders to erect or repair boundary-marks.
A general notification to be good and sufficient notice of requisition.
Description of boundary-marks.
123. Responsibility for the maintenance of boundary-marks.
124. Collector to have charge of boundary-marks after introduction of the survey settlement.
125. Penalty for injurying boundary-marks.

CHAPTER X.

Of Lands within the Sites of Villages, Towns and Cities.

126. Limits of sites of villages, towns and cities how to be fixed.
127. Act XI of 1852 and Bombay Acts II and VII of 1863 how far applicable to lands in such sites.
128. Existing exemption when to be continued in case of certain lands in towns and cities in which Bombay Act IV of 1868 has been in operation.
129. Right to exemption to be determined by the Collector.
130. Occupancy price payable, in addition to assessment in certain cases.

SECTIONS.

131. Survey of lands in such sites how to be conducted.
Proviso.
132. In certain cases a survey-fee to be charged.
133. Sanad to be granted without extra charge.
Proviso.
134. Assessment of lands hitherto used for purpose of agriculture only used for other purposes.
135. [*Repealed.*]

CHAPTER X-A.

OF THE RECORD OF RIGHTS.

135A. Exemption from provisions of this chapter.
135B. The record of rights.
135C. Acquisition of rights to be reported.
135D. Register of mutations and register of disputed cases.
Entries in register of mutations how to be certified.
Tenancies.
135E. Obligation to furnish information.
135F. Penalty for neglect to afford information.
135G. Requisition of assistance in preparation of maps.
135H. Certified copy of record to be annexed to plaint or application.
135I. Refusal of assistance under section 87.
135J. Presumption of correctness of entries in record of rights and register of mutations.
135K. Certified copies.
135L. Bar of suits and exclusion of Chapter XIII. Appeal

CHAPTER XI.

OF THE REALIZATION OF THE LAND REVENUE AND OTHER REVENUE DEMANDS.

136. Liability for land revenue.
137. Claims of State Government to have precedence over all others.
138. The liability of the crop for the revenue of the land.
139. Land revenue may be levied at any time during the revenue year.
140. Removal of crop which has been sold, etc., may be prevented until revenue paid.
141. In order to secure the land revenue the Collector may
prevent the reaping of the crop, or
the removal thereof, or
place watchmen over it.
142. Collector's orders under last section how to be made known.
Penalty for disobeidence of order
143. Reaping, etc., not to be unduly deferred.
Crop when to be released.
144. Temporary attachment and management of a village or share of a village.
Powers of manager, and disposal of surplus profits.
145. Precautionary measure to be relinquished on security being furnished.
146. State Government to determine the dates, etc., on which land revenue shall be payable.

SECTIONS.

147. Arrear.
Defaulters.
148. Liabilities incurred by default.
149. Certified account to be evidence as to arrears.
Collectors may realize each other's demands.
150. Process for recovery of arrears.
151. Revenue demands of former years how recoverable.
Proviso.
152. When notice of demand may issue.
153. The occupancy or alienated holding for which arrear is due may be forfeited.
Proviso.
154. Distraint and sale of defaulter's moveable property.
By whom to be made.
155. Sale of defaulter's immovable property.
156. Exemption from distraint and sale.
157. Arrest and detention of defaulter.
Imprisonment in Civil Jail.
Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.
158. Power of arrest by whom to be exercised.
159. Power to attach defaulter's village, and take it under management.
160. Lands of such village to revert free of incumbrances.
Powers of manager.
161. Application of surplus profits.
162. Restoration of village so attached.
Disposal of surplus receipts.
163. Village, etc., to vest in the State Government if not redeemed within twelve years.
164. But all processes to be stayed on security being given; or on amount demanded being paid under protest.
165. Procedure in effecting sales.
Proclamation of sales.
166. Notification of sales.
167. Sale by whom to be made.
Time when sale may be made.
Postponement of sale.
168. Sale of perishable articles.
169. When sale may be stayed.
170. Sales of moveable property when liable to confirmation.
171. Mode of payment for moveable property when sale is concluded at once.
172. Mode of payment for moveable property when sale is subject to confirmation.
173. Deposit by purchaser in case of sale of immovable property.
174. Purchase-money when to be paid.
175. Effect of default.
176. Liability of purchaser for loss by re-sale.
177. Notification before re-sale.
178. Application to set aside sale.
179. Order confirming or setting aside sale.
180. Refund of deposit or purchase-money when sale set aside.

Sections.

181. On confirmation of sale purchaser to be put in possession.
Certificate of purchase.
182. Bar of suit against certified purchaser.
183. Application of proceeds of sale.
Expenses of sale how calculated.
184. Surplus not to be paid to creditors, except under order of Court.
185. Certified purchaser liable only for land-revenue subsequently due.
186. Claims to attached moveable property how to be disposed of.
187. What moneys leviable under the provisions of this Chapter.
Sureties liable as revenue-defaulters.
On resumption of a farm, no payments made to contractor in advance to be admitted.
The recovery of free grants as arrears of revenue in case of misuse.

CHAPTER XII.

Procedure of Revenue Officers.

188. Subordination of revenue officers.
189. Power to summon persons to give evidence and produce documents.
190. Summons to be in writing, signed and sealed.
How to be served.
Service in district other than that of issuer.
191. Mode of serving notices.
Notice not void for error.
192. Procedure for procuring attendance of witnesses.
193. Mode of taking evidence in formal inquiries.
Taking evidence given in English.
Translation to be on record.
194. Writing and explanation of decisions.
195. Summary inquiries how to be conducted.
196. Formal and summary inquiries to be deemed judicial proceedings.
Hearing and decisions.
Notice to parties.
197. Ordinary inquiries how to be conducted.
198. Copies and translations, etc., how to be obtained.
199. Arrest of a defaulter to be made upon a warrant.
200. Power of revenue officer to enter upon any lands or premises for purposes of measurement, etc.
Proviso.
201. Provincial Government to determine the language of a district.
202. Collector how to proceed in order to evict any person wrongfully in possession of land.

CHAPTER XIII.

Appeals and Revision.

203. Appeal to lie from any order passed by revenue officer to his superior.
204. Appeal when to lie to the Provincial Government.
205. Periods within which appeals must be brought.

Sections.

206. Admission of appeal after period of limitation.
207. Provision where last day for appeal falls on a Sunday or a holiday.
208. Copy of order to accompany petition of appeal.
209. Powers of appellate authority.
210. Power to suspend execution of order of subordinate officers.
211. Power of Provincial Government and of certain revenue officers to call for and examine records and proceedings of subordinate officers; and to pass orders thereupon.
212. Rules as to decisions or orders expressly made final.

CHAPTER XIV.

MISCELLANEOUS.

213. Maps and land records open to inspection.
Extracts and copies shall be given.
214. Rules.
215. Penalty for breach of rules.
216. Chapters VIII to X to apply to alienated villages.
217. Holders of land in alienated villages.
218. Construction of this Act.

SCHEDULES.

BOMBAY ACT No. V OF 1879.[1]

[THE BOMBAY LAND REVENUE CODE, 1879.]

[*17th July 1879*]

Repealed in part by Bom. 3 of 1886;
" " " " " 32 of 1949;
" " " " " 3 of 1950.
Repealed in part and amended by Act 16 of 1895;
" " " " " " Bom. 6 of 1901;
" " " " " " " 4 of 1905;
" " " " " " " 20 of 1939;
" " " " " " " 29 of 1939.
Repealed in part and amended (locally) by—
Bom. 1 of 1880;
" 6 of 1888 as amended by Bom. 2 of 1905;
" 11 of 1912;
" 4 of 1913;
" 2 of 1919.
Amended by Bom. 7 of 1879;
" " " 4 of 1886;
" " " 1 of 1910;
" " " 7 of 1914;
" " " 1 of 1920;
" " " 3 of 1921;
" " " 15 of 1929;
" " " 3 of 1932;
" " " 31 of 1935;
" " " 5 of 1936.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 45 of 1947;
" " " 62 of 1947;
" " " 35 of 1948;
" " " 53 of 1949.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 28 of 1950;
" " " 33 of 1950;
" " " 60 of 1950;
" " " 9 of 1951;
" " " 7 of 1953;
" " " 14 of 1955.

An Act to consolidate and amend the law relating to Revenue Officers, and the Land Revenue in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue officers, and to the assessment and recovery of Land Revenue, and to other matters Preamble.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1875, Pt. V. p., 62, and *ibid.*, 1879, Pt. V., p. 81; for Reports of the Select Committee, *see ibid.*, 1876, Pt. V., 166, and *ibid.*, 1877, Pt. V, p. 74 and for Proceedings in Council, *see ibid.*, 1875, Pt V. p. 65, *ibid.*, 1877, Pt. V, pp. 198, 210. 234, 252, 417, 418, *ibid.*, 1878, Pt. V, p. 40, *ibid.*, 1879, Pt. V, pp. 122 and 124.
The proceeds of all fees levied under this Act for permission to remove sand or to quarry are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923).

MO-B 289 H—1a

I-52

I-52F

connected with the Land Revenue Administration; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short Title.

1. [1](*1*) This Act may be cited as "The Bombay Land Revenue Code, 1879".

Local extend.

[2][(*2*) Save as otherwise provided by Chapter XA, this Act extends to the whole of the Presidency of Bombay, except the City of Bombay, [3]* and the [4]Scheduled District of the Mehwassi Chiefs' villages as defined in the Scheduled Districts Act, 1874.] XIV of 1874.

[5][(*3*) Provided that Chapter III also extends to the City of Bombay, subject to the modification that the expression "Revenue officer" means every officer of any rank whatsoever appointed under section 5 or 6 of the Bombay City Land Revenue Act, 1876, and employed in or about the business of the Land Revenue in the City of Bombay, or of the surveys, assessment, accounts or records connected therewith, instead of as defined in clause (*1*) of section 3 of this Act.] Bom. II of 1876.

2. [*Repeal of enactments.*] *Repealed by Bom. IV of 1913, s. 5.*

Interpretation section.

3. In this Act, unless there be something repugnant in the subject or context,—

"revenue officer";

(*1*) "revenue officer" means every officer of any rank whatsoever appointed under any of the provisions of this Act, and employed in or about the business of the land revenue or of the surveys, assessment, accounts, or records connected therewith [6][and for the purposes of sections 25 and 26 includes village-officer appointed or officiating under any of the provisions of the Bombay Hereditary Offices Act or the Matadars Act, 1887];

---

[1] Sub-section (*1*) of section 1 was originally the first paragraph of section 1. It was numbered sub-section (*1*) of section 1 by s. 4 (*1*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

Note.—All sub-titles, printed over sections or groups of sections in this Act, were repealed by section 84 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

Section 85 and the last 15 words of s. 58 are not in force in the Panch Mahals—*see* the Panch Mahals Laws Act, 1885 (7 of 1885), *s.* 2.

[2] Sub-section (*2*) was substituted for paragraph 2 by s. 4(*2*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The word "Aden" was omitted by the Adaptation of Indian Laws Order in Council.

[4] This Act is now applied to Mehwassi Estates with modifications by the West Khandesh Mehwassi Estates Regulation, 1949 (Bom. Reg. I of 1949).

[5] Sub-section (*3*) was substituted for paragraph 3 by s. 4(*3*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were added by 1st Schedule of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

(2) "survey officer" means an officer appointed under, or in the manner provided by section 18 [1]* * *; "survey officer";

[2][(3) "Survey settlement" includes a settlement made under the provisions of Chapter VIIIA.]; "survey settlement."

(4) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory; "land";

(5) "estate" means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same; "estate";

(6) "survey number" means a portion of land of which the area and [3][assessment] are separately entered, under an indicative number in the [4][land records] [5]* * *; "survey number";

(7) [6]["sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion]; "sub-division of a survey number";

[7][(8) "chavdi" means, in any village in which there is no chavdi, such place as the Collector may direct shall be deemed to be the chavdi for the purposes of this Act]; "chavdi";

(9) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon; "building site";

(10) "boundary mark" means any erection, whether of earth, stone, or other material, and also any hedge, [8][unploughed ridge, or] strip of ground, or other object whether natural or artificial, set up, employed, or specified by a survey officer, or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land; "boundary mark";

[9][(11) "to hold land", or to be a "landholder" or "holder" of land means to be lawfully in possession of land, whether such possession is actual or not]; "to hold land", "land-holder", "holder";

[9][(12) "holding" means a portion of land held by a holder]; "holding";

---

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] This clause was inserted by Bom. 20 of 1939, s. 2.

[3] This word was substituted for the words "other particulars" by s. 6 (*b*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted for the words "survey-records", *ibid.*

[5] The words "of the village, town or city in which it is situated, and includes a recognised share of a survey number" were repealed by s. 6, *ibid.*

[6] This definition was substituted for the definition of "recognised share of a survey number" by s. 6 (*c*), *ibid.*

[7] This definition was added by s. 6 (*d*), *ibid.*

[8] These words were substituted for the word "vacant" by s. 2 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[9] These definitions were substituted for the original definitions of "holder" or "land-holder" and "holding" by s. 6 (*e*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

"superior holder"; "inferior holder";

[1][(*13*) "superior holder" means a landholder entitled to receive rent or land revenue from other landholders (hereinafter called "inferior holders"), whether he is accountable or not for such rent or land revenue, or any part thereof, to [2][the Provincial Government]: provided that where land has been granted free of rent or land revenue, subject to the right of resumption in certain specified contingencies, by a Jagirdar, Inamdar or other such holder of alienated land whose name is authorizedly entered as such in the land records, such Jagirdar, Inamdar or holder shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land and for the purposes of section 8 of the [3]Bombay Local Funds Act, 1869, shall, notwithstanding anything hereinafter contained in the definition of the word "tenant", be deemed to be the tenant of such grantor]; Bom. III of 1869.

"tenant";

[4][(*14*) "tenant" means a lessee, whether holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's rights with possession; but does not include a lessee holding directly under [5][the Crown]];

"landlord";

[4][(*15*) "landlord" means a lessor];

"occupant";

[6][(*16*) "occupant" means a holder in actual possession of unalienated land, other than a tenant: provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant];

"occupancy";

[7][(*17*) "occupancy" means a portion of land held by an occupant];

"to occupy land";

[7][(*18*) "to occupy land" means to possess or take possession of land];

"occupation";

[7][(*19*) "occupation" means possession];

"alienated";

(*20*) "alienated" means transferred in so far as the rights of [2][the Provincial Government] to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person;

"village";

[8][*21*) "village" includes a town or city and all the land belonging to a village, town or city];

"revenue year"; "year";

(*22*) the words "revenue year" or "year" means the period from, and exclusive of, the thirty-first July of one calendar year until, and inclusive of, the thirty-first July in the next calendar year;

(*23*) [*Definition of "section."*] *Rep. by Bom. III of 1886.*

---

[1] This definition was substituted for the original definitions of "superior holder" and "inferior holder" by s. 6 (*f*) of] 4 of 1913.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *See* now section 96 of the Bombay Local Boards Act, 1923 (Bom. 6 of 1923).

[4] These definitions were substituted for the original definition of "tenant" by s. 6 (*g*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] This definition was substituted for clause (16), by s. 6 (*h*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] These definitions were substituted for clauses (17), (18) and (19) by s. 6 (*h*), *ibid.*

[8] This definition was substituted for the original clause (20) by s. 6 (*i*), *ibid.*

(24) [*Definition of "this chapter".*] *Rep. by Bom. III of 1886.*

[1](25) the term "joint holders", or "joint occupants", means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all of the joint holders or joint occupants;] "joint holders"; "joint occupants";

[1](26) "land records" means records maintained under the provisions of, or for the purposes of, this Act;] "land records";

[1](27) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872;] "certified copy"; "certified extract".
I of 1872.

[2]* * * * * *

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

[3][4. (1) The Chief Controlling authority in all matters connected with the land revenue shall vest in the State Government. Chief controlling authority in revenue matters.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the territories in the State which shall form a division and may by a like notification alter the limits of the division so formed.]

5. [*Appointments and duties of Commissioners.*] *Deleted by Bom. 28 of 1950, Sch.*

6. [*Assistants to Commissioners.*] *Deleted by Bom. 28 of 1950, Sch.*

7. Each division, [4]* * * shall be divided into such [5]* * districts with such limits as may from time to time be prescribed by a duly published order of the [6][7][State] Government]. Division to be divided into districts.

And each such district shall consist of such [5]* * talukas, and each taluka shall consist of such [5]* * mahals and villages, asmay from time to time be prescribed in a duly published order of the [6][7][State] Government]. A district to consist of talukas comprising such mahals and villages as [7][State] Government may direct.

---

[1] These definitions were added by s. 6 (*j*) of Bom. 4 of 1913.
[2] Clause (28) was omitted by the Adaptation of Laws Order, 1950.
[3] Section 4 was substituted for the original by Bom. 28 of 1950, Sch.
[4] The words "under the Control of the Commissioner" were deleted by Bom. 28 of 1950, Sch.
[5] The words "number of" were repealed by s. 8 of the Bombay Land-revenue (Amendment, Act, 1913 (Bom. 4 of 1913).
[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[7] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[1][And each such mahal shall consist of such villages as may from time to time be prescribed by a duly published order of the State Government].

[2]* * * * * *

Power of State Government to alter limits of, or to amalgamate or constitute, villages.

[3][7A. The State Government may from time to time by a duly published order alter or add to the limits of any village or amalgamate two or more villages or constitute a new village.]

Collector of the District.

8. The [4][[5][State] Government] shall appoint in each district an officer who shall be the Collector [6]* * * and who [7] * * * * * * may exercise, throughout his district, all the powers, and discharge all the duties conferred and imposed on a Collector or an Assistant or Deputy Collector by this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of [8][the [5][State] Government].

Assistant and Deputy Collector;

9. The [4][[5][State] Government] may appoint to each district so many Assistant Collectors and so many Deputy Collectors as [9][it] may deem expedient; the Assistants shall be called "First," "Second," "Supernumerary," etc., as may be expressed in the order of their appointment.

to be subordinate to the Collector.

All such Assistant and Deputy Collectors and all other officers employed in the land revenue administration of the district shall be subordinate to the Collector.

Their duties and powers.

10. Subject to the general orders of [8][the [5][State] Government], a Collector may place any of his assistants or deputies in charge of the revenue administration of one or more of the talukas in his district, or may himself retain charge thereof.

Any Assistant or Deputy Collector thus placed in charge shall, subject to the provisions of Chapter XIII [10]* * *, perform all the duties and exercise all the powers conferred upon a Collector [11]* * * by this Act or any other law at the time being in force, so far as regards the taluka or talukas in his charge:

Provided that the Collector may, whenever he may deem fit, direct any such Assistant or Deputy not to perform certain duties or exercise certain powers, and may reserve the same to himself or assign them to any other Assistant or Deputy subordinate to him.

---

[1] This portion was added by Bom. 33 of 1950, s. 2.

[2] The words "The present zillas or collectorates shall form districts, and the present talukas shall remain as they are, for the purposes of this Act, until altered by the Governor in Council" were repealed by the Amending Act, 1895 (16 of 1895).

[3] Section 7A was inserted by Bom. 33 of 1950, s. 3.

[4] The words "Provincial Government" were substituted for the words "Governor-in-council" by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[6] The words "of the District" were repealed by the Amending Act, 1895 (16 of 1895).

[7] The words "shall be subordinate to the Commissioner of his division and" were deleted by Bom. 28 of 1950, Sch.

[8] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[9] The word "it" was substituted for the word "he", *ibid.*

[10] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[11] The words "of a district" were repealed by the Amending Act, 1895 (16 of 1895).

To such Assistant or Deputy Collector as it may not be possible or expedient to place in charge of talukas, the Collector shall, under the general orders of [1][the [2][State] Government], assign such particular duties and powers as he may from time to time see fit.

Collector of the district in case of temporary vacancy.

11. If the Collector is disabled from performing his duties, or for any reason vacates his office or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by [1][[2][State] Government], succeed temporarily to his office, and shall be held to be the Collector [3]* * * under this Act until the Collector resumes charge of his district, or until the [4][[2][State] Government] appoints a successor to the former Collector and such successor takes charge of his appointment.

An officer whose principal office is different from that of an Assistant Collector, and who is an Assistant Collector for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

The Mamlatdar; his appointment.

12. The chief officer entrusted with the local revenue administration of a taluka shall be called a Mamlatdar. He shall be appointed by the [5][[2][State] Government].

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act, or by any other law for the time being in force, or as may be imposed upon, or delegated to, him by the Collector under the general or special orders of [1][the [2][state] Government]. [6]* * *

The Mahalkari; his duties and powers.

13. Whenever it may appear necessary to the [4][[2][State] Government], the [7][[2][State] Government] may [8][appoint to a taluka one or more Mahalkaris] and, subject to the orders of [1][the [2][state] Government] [9]* * * the Collector may [10][assign to a Mahalkari] within his local limits such of the duties and powers of a Mamlatdar as he may from time to time see fit, and may also from time to time direct whether the Mahalkari's immediate superior shall, for the purposes of section 203 [11]* * *, be deemed to be the Mamlatdar or the Assistant or Deputy Collector, or the Collector in charge of the taluka.

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "of the district" were repealed by the Amending Act, 1895 (16 of 1895).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "Provincial Government" were substituted for the words "Commissioner of the division in which his taluka is situated", *ibid.*

[6] The words "He shall continue to perform the duties and exercise the powers at present performed and exercised by him after the passing of this Act, until such time as he is otherwise directed by competent authority" were repealed by the Amending Act, 1895 (16 of 1895).

[7] The words "Provincial Government" were substituted for the word "Collector" by the Adaptation of Indian Laws Order in Council.

[8] These words were substituted for the words "appoint a Mahalkari to be in charge of a defined portion of a taluka" by s. 9 (*l*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[9] The words "and of the Commissioner" were deleted by Bom. 28 of 1950, Sch.

[10] These words were substituted for the words "assign to him" by Bom. 4 of 1913.

[11] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[1][When a defined portion of a taluka is placed in charge of a Mahalkari, such portion shall be called a mahal.]

Mamlatdar or Mahalkari may depute subordinates to perform certain of his duties.

14. It shall be competent to a Mamlatdar or Mahalkari, subject to such general orders as may from time to time be passed [2]* * * by the Collector, to employ any of his subordinates to perform any portion of his ministerial duties: provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Mamlatdar or Mahalkari.

[3]* * * * * *

Mamlatdar or Mahalkari in case of temporary vacancy.

15. If a Mamlatdar or Mahalkari is disabled from performing his duties, or for any reason vacates his office, or leaves his taluka or mahal, or dies, such subordinates as may be designed by orders to be issued from time to time on this behalf by the Collector, shall succeed temporarily to the said Mamlatdar's or Mahalkari's office, and shall be held to be the Mamlatdar or Mahalkari under this Act until the Mamlatdar or Mahalkari resumes charge of his taluka or mahal, or until such time as a successor is duly appointed and takes charge of his appointment.

Appointment of village accountant and stipendiary patel.

[4][**16.** It shall be lawful for the State Government to appoint a village accountant for a village or a group of villages. In villages where no hereditary patel exists, it shall be lawful for the State Government to appoint a stipendiary patel. The village accountant and the patel shall perform all the duties including the duties of village accountant or hereditary patel as hereinafter prescribed by this Act or any other law for the time being in force and shall hold their situations under the rules in force with regard to subordinate revenue officers.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in any alienated or other villages.]

Village Accountant to keep such records as he may be.

17. Subject to the general orders of [5][the [6][State] Government] [7]* * the Collector shall prescribe from time to time what registers, accounts, and other records shall be kept by the Village Accountant [8]* * *

---

[1] This paragraph was added by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "by the Commissioner or" were deleted by Bom. 28 of 1950, sch.

[3] The words "The portion of a taluqa in the charge of a Mahalkari shall be called a Mahal" and the words "The present mahals shall remain as they are, for the purposes of this Act, until altered by the Governor in Council" were repealed by s. 9 (2) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913), and the Amending Act, 1895 (16 of 1895), respectively.

[4] Section 16 was substituted for the original by Bom. 60 of 1950, sch. II.

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[7] The words "and of the Commissioner" were deleted by Bom. 28 of 1950, sch.

[8] The words "and pending the first issue of orders under this section, the Village Accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep" were repealed by the Amending Act, 1895 (16 of 1895).

It shall also be the duty of the Village Accountant to prepare, whenever called upon by the Patel of his village or by any superior Revenue or Police officer of the taluka or district to do so, all writings connected with the concerns of the village which are required either for the use of [1][the Central or the Provincial Government] or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters. required to keep by the Collector and to prepare public writings.

18. For the purposes of Chapters VIII, [2][VIII-A,] IX and X [3]* * *, the [4][Provincial Government] may appoint such officers as may from time to time appear necessary. Such officers shall be designated [5][Settlement Commissioners] "Commissioner of Survey," "Superintendent of Survey," "Survey Settlement Officers," [5]"[Settlement Officers]" and "Assistant," or otherwise as may seem requisite, and shall be subordinated the one to the other in such order as the [Provincial Government) may direct. Survey Officers;

Subject to the orders of the [4][Provincial Government] the officers so appointed are vested with the cognisance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force. their duties and powers.

19. It shall be lawful for the [4][Provincial Government] to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient. Combination of offices.

20. The appointment of all officers mentioned in sections 4 to 13 and 18 and 19 shall be duly notified. Certain officers' appointments to be notified.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act. Acting appointments.

21. [*Establishments.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

22. The [4][Provincial Government] shall from time to time by notification prescribe what revenue officers shall use a seal, and what size and description of seal shall be used by each of such officers. Seals.

[6]* * * * * * *

---

[1] The words "the Central or the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The figures and letter "VIII-A" were inserted by Bom. 20 of 1939, s. 3.

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by Bom. 20 of 1939, s. 3.

[6] The words "Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them" were repealed by the Amending Act, 1895 (16 of 1895).

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

23. [*Governor in Council to direct what officers shall furnish security, and to what amount*]. *Omitted by the Adaptation of Indian Laws Order in Council.*

24. [*Fresh or additional security.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

Demands for money, papers etc., to be made known in writing to the person concerned;

25. The Collector or the Superintendent of Survey or any other officer deputed by the Collector or Superintendent of Survey for this purpose shall, in all cases in which he may have a claim on any revenue officer or on any person formerly employed as such in his department or district for public money or papers or other [1][property of the Crown], by writing under his official seal, if he use one, and signature, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

who may be arrested and confined in jail if he fail to produce them.

If the officer or other person aforesaid shall not discharge the money, or deliver up the papers or property as directed, he may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be kept in confinement for more than a month.

Provided that no person shall be detained in confinement by virtue of any such warrant for a longer period than one calendar month.

Public moneys may also be recovered as arrears of revenue; and search warrant may be issued for recovery of papers or property.

26. The Collector of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey, if such officer or person is or was serving in the survey department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Act for the recovery of arrears of land revenue from defaulters, and for the purposes of recovering public papers or other property [2][of the Crown] may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.

Persons in possession of public moneys, etc., bound to give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property [1][of the Crown] to make over the same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

---

[1] The words "property of the Crown" were substituted for the words "Government property" by the Adaptation of Indian Laws Order in Council.

[2] The words "of the Crown" were substituted for the words "appertaining to Government", *ibid.*

27. The surety or sureties of such officer or other person as is aforesaid, [1]* * * * * * shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against: Surety to be liable in the same manner as principal.

Provided always that in any case of failure to discharge or make good any sum of money due to [2][the Crown] or to produce any property of [2][the Crown] of ascertained value no greater sum than is sufficient to cover any loss or damage which the [3][Provincial Government] may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them: Extent of liability.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded. Sureties not liable to imprisonment, if penalty be paid.

28. If an officer or other person as aforesaid or his surety or sureties against whom a demand is made, shall give sufficient security in the form of Schedule D, the Collector shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner. An officer or surety in jail may, by furnishing certain security, obtain his release.

29. The liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required [4]* * * * and until his bond is cancelled. Liability of surety not affected by death of principal or by his taking a different appointment.

The heirs of a deceased officer shall be liable by suit in the Civil Court for any claims which [2][the Crown] may have against the deceased, in the same way as they would be for similar claims made by an individual. Liability of heirs of deceased officer.

30. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards. How surety may withdraw from further liability.

---

[1] The words and letter "who may enter into a bond, in the form of Schedule B," were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] The words "Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words and figures "under section 23" were omitted, *ibid.*

CHAPTER IV.

[OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND OF THEIR PUNISHMENT FOR MISCONDUCT.]

Omitted by the Adaptation of Indian Laws Order in Council.

CHAPTER V.

OF LAND AND LAND REVENUE.

All public roads, etc., and all lands which are not the property of others, belong to the Crown.

[1][37. (*1*) All public roads, lanes and paths, the bridges, ditches, dikes, and fences, on, or beside, the same, the bed of the sea and of harbours and creeks below high-water-mark, and of rivers, streams, nallas, lakes, and tanks, and all canals, and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of [2][the Crown], and it shall be lawful for the Collector, subject to the orders of the Commissioner, to dispose of them in such manner as he may deem fit, or as may be authorized by general rules sanctioned by [3][the Government concerned], subject always to the rights of way, and all other rights of the public or of individuals legally subsisting.

Explanation.—In this section "high-water-mark" means the highest point reached by ordinary spring-tides at any season of the year.

[1][(*2*) Where any property or any right in or over any property is claimed by or on behalf of [2][the Crown] or by any person as against [2][the Crown], it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.]

[1][(*3*) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed [4]* * * under sub-section (*1*) or sub-section (*2*), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (*2*) the plaintiff has had due notice of such order.]

[5][(*4*) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the [6][Provincial Government].]

---

[1] The original s. 37 was numbered sub-section (*1*) of s. 37 and sub-sections (*2*) and (*3*) were added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912).

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Government concerned" were substituted for the word "Government", *ibid.*

[4] The words "by the Collector" were omitted by Second Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[5] Sub-section (*4*) was added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Extinction of rights of public and individuals in or over any public road, lane or path not required for use of public.

37A. (*1*) Whenever it appears to the [1][2][State] Government] that any public road, lane or path which is the property of [3][the State Government] or part thereof, is not required for the use of the public, the [1][2][State] Government] may, by a notification published in the [4][Official Gazette], make a declaration to such effect, stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over any such road, lane or path, or part thereof, as the case may be, shall be extinguished. On the publication of such notification, the Collector shall, as soon as possible, cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such road, lane or path, or part thereof, as the case may be. Such declaration and notice shall specify, as far as practicable the situation and limits of such road, lane or path, or part thereof, and shall invite objections to the aforesaid proposal.

(*2*) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over such road, lane or path, or part thereof, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification under sub-section (*1*) state to the Collector in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected, and the amount and particulars of his claim to compensation for such interest or right :

Provided that the Collector may allow any person to make such a statement after the period of ninety days after the issue of the notification under sub-section (*1*) if he is satisfied that such person had sufficient cause for not making it within the said period.

(*3*) The Collector shall give every person who has made a statement to him under sub-section (*2*) an opportunity of being heard either in person or by pleader and shall, after hearing all such persons in such manner and after making such further inquiry, if any, as he thinks necessary, determine the amount of compensation, if any, which should, in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as well as of individuals as aforesaid. The provisions of sections 9, 10, 11, 12, 13, 14 and 15 of the Land Acquisition Act, 1894, shall, so far as may be, apply to the proceedings held by the Collector for the determination of the amount of compensation under this sub-section :

I of 1894.

Provided that no compensation shall be awarded for the extinction or diminution of the right of public highway over such road, lane, or path, or part thereof.

(*4*) The Collector shall submit to the [1][2][State] Government] the record of the proceedings held by him with report containing his recommendations on the objections, if any, received by him and stating the amounts of compensation, if any, which, in his opinion, are payable to any persons.

(*5*) If the [1][2][State] Government] is satisfied after considering the record of the proceedings and the report, if any, made under sub-section (*4*), that the public road, lane or path, or part thereof specified in the notification under sub-section (*1*) is not required for the use of the public, a declaration shall be published in the [4][Official Gazette] that all rights of the public as well as of individuals in or over such road, lane or path, or part thereof are extinguished ; and all such rights shall

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] These words were substituted for the words "the Crown for the purposes of the Province", *ibid.*
[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Laws Order in Council.

thereupon be extinguished, and such road, lane or path, or part thereof shall be at the disposal of [1][the [2][Government] with effect from the date of such declaration.

(*6*) The decision of the Collector regarding the amount of compensation and the person to whom such compensation, if any, is payable, shall, subject to any modification made by the [3][[4][State] Government], be final; and payments shall be made by the Collector to such persons accordingly.

Lands may be assigned for special purposes, and when assigned shall not be otherwise used without sanction of the Collector.

38. Subject to the general orders of [5][the [4][State] Government], it shall be lawful for survey officers whilst survey operations are proceeding under Chapter VIII [6]* * *, and at any other time for the [7][Collector] to set apart lands the [8][property of [9][the State Government] and not in the lawful occupation of any person or aggregate of persons, in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for any other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise [10][used] without the sanction of the [7][Collector]; and in the disposal of land under section 37 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

39. The right of grazing on free pasturage-lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector with the sanction of the [11][State Government]. The Collector's decision in any case of dispute as to the said right of grazing shall be conclusive.

Recovering value of natural products unauthorizedly removed from certain lands.

[12][**39A.** Any person who shall unauthorizedly remove from any land which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the Government for the value thereof, which shall be recoverable from him as an arrear of land revenue. The decision of the Collector as to the value of any such natural product shall be conclusive.]

Concession of [7][Government] rights to trees in case of settlements completed before the passing of this Act.

40. In villages, or portions of villages, of which the original survey settlement has been completed before the passing of this Act, the right of [1][the [2][Government] to all trees in unalienated land, except trees reserved by [1][the [2][Government] or by any survey officer, whether by express order made at, or about the time of such settlement, or under any rule, or general order in force at the time of such settlement, or by notification made and published at, or at any time after, such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlement

---

[1] The words "the Crown" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] The words "the Provincial Government" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] This word was substituted for the word "Commissioner" by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[8] The words "property of the Crown for the purposes of the Province" were substituted for the words "property of Government" by the Adaptation of Indian Laws Order in Council.

[9] These words were substituted for the words "the Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950.

[10] This word was substituted for the words "appropriated or assigned" by s. 11 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[11] These words were substituted for the word "Commissioner" by Bom. 28 of 1950, sch.

[12] This section was inserted by Bom. 14 of 1955, s. 2.

completed before the passing of [1]Bombay Act I of 1865 this provision shall not apply to teak, black-wood or sandal-wood trees. The right of [2][the [3][Government]] to such trees shall not be deemed to have been conceded, except by clear and express words to that effect.

Concession of [3][Government] rights to trees in case of settlements completed after the passing of this Act.

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act, the right of [2][the [3][Government]] to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by [2][the [3][Government]], or by any survey officer on behalf of [2][the [3][Government]], either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situate.

Concession of [3][Government] rights to trees in case of land taken up after completion of settlement.

When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village or portion of a village in which such land is situate, the said permission shall be deemed to include the concession of the right of [2][the [3][Government]] to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved, under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Trees and forests vesting in the [3][Government].

41. The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle, or other natural product growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865 [1]or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in [4][the State Government] ; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as [5][the [6][State] Government] may from time to time direct.

Road-side trees.

42. [7][All road-side trees which have been planted and reared by, or under the orders of, or at the expense of [2][the [3][Government]], and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in [2][the [3][Government]], vest in [2][the [3][Government]]. But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing ; and the usufruct, including the loppings of such trees, shall also vest in the said holder ; provided that the trees shall not be lopped except under the orders of the Collector.

[8]* * * * * * *

---

[1] Bom. 1 of 1865 (except ss. 37 and 38) is repealed by s. 2 of this Act, which has been repealed by Bom. 4 of 1913.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[4] These words were substituted for the words "the Crown for the purposes of the Province", *ibid.*

[5] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[7] These words were substituted for the words "All road-side trees which have been planted and reared by, or under the orders of, or at the expense of Government, or at the expense of local funds vest in Government" by s. 12 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The last two paragraphs were repealed by s. 12 (*b*), *ibid.*

Recovery of value of trees, etc. unauthorizedly appropriated.

43. Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof or remove [1][from his holdings] any other natural product [1][whether of the like description or not] which is the property of [2][the [3][Government]], shall be liable to [2][the [3][Government]] for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise : and nothwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of [3][Government] property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

Regulation of supply of fire-wood and timber for domestic or other purposes.

44. In villages or lands in which the rights of [2][the [3][Government]] to the trees have been reserved under section 40 subject to certain privileges of the villagers or of certain classes or persons to cut fire-wood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for forest reserves subject to such privileges and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as [4][the [5][State] Government] may direct. In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or of such other officer shall be conclusive.

All land liable to pay revenue unless specially exempted.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to [2][the [3][Government]] according to the rules hereinafter enacted except such as may be wholly exempted under the provisions of any special contract with [2][the [3][Government]] or any law for the time being in force.

And special exemption may in case of necessity be overruled for a time.

But nothing in this Act shall be deemed to affect the power of the Legislature to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary.

Liability of alluvial lands to land revenue.

46. All alluvial lands, newly-formed islands, or abandoned river-beds which vest, under any law for the time being in force in any holder of alienated land, shall be subject in respect of liability to the payment of land revenue to the same privileges, conditions, or retrictions as are applicable to the original holding in virtue of which such lands, islands, or river-beds so vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands, or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Assessment of land revenue in cases of diluvion.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the [6][5][State] Government], to a decrease of assessment if any portion thereof. not being less than half an acre in extent, [7]* * * is lost by diluvion.

[8]* * * * * * *

---

[1] These words were inserted by the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[2] The words " the Crown " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[4] The words " Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[6] The words " Provincial Government " were substituted for the words " Governor in Council ", by the Adaptation of Indian Laws Order in Council.

[7] The words " nor less than one-tenth of the holding " were repealed by s. 13 of the Bombay Land revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The definition of " holding " was repealed by Bom. 4 of 1913, s. 13.

Manner of assessment and alteration of assessment. Prohibition of use of land for certain purposes.

[1]48. (*1*) The land revenue leviable on any land under the provisions of this Act shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land—

(*a*) for the purpose of agriculture,

(*b*) for the purpose of building, and

(*c*) for a purpose other than agriculture or building.

(*2*) Where land assessed for use for any purpose is used for any other purpose, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate by such authority and subject to such rules as the [2][[3][State] Government] may prescribe in this behalf.

(*3*) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(*4*) The Collector or a survey officer may, subject to any rules made in this behalf under section 214, prohibit the use for certain purposes of any unalienated land liable to the payment of land revenue, and may summarily evict any holder who uses or attempts to use the same for any such prohibited purpose.

Commuted assessment of land indirectly taxed to the State.

49. When it has been customary to levy any special or extra cess, fine, or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has by the exaction of such cess, fine, or tax been indirectly taxed to the State,

And of land liable to occasional assessment,

or when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess or tax however designated,

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances, but such commuted assessment shall not exceed such amount as the [4][Collector] shall deem to be a fair equivalent of the assessment, cess, fine, or tax for which it is substituted and shall not be in excess of the assessment to which the land would be ordinarily subject, if no right to exemption existed in respect thereof.

Superior holder may recover commuted assessment from inferior holder.

50. Whenever any such cess, fine, or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Excess of assessment may be laid on land inadequately assessed held with it.

51. When it has been customary to levy a larger revenue under the name "*veta*" or any other designation, upon any portion of land than such portion would ordinarily be liable to in consideration of other land being held with it which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

---

[1] Section 48 was substituted by s. 14, Bom. 4 of 1913.
[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] This word was substituted for the word "Commissioner" by Bom 28 of 1950, Sch.

Assessment by whom to be fixed.

152.* [2][(*1*)] On all lands which are not wholly exempt from the payment of land revenue, [3][and] on which the assessment has not been fixed under the provisions of [4][Chapter VIII-A,] the assessment of the amount to be paid as land revenue shall, subject to rules [5]* * made in this behalf under section 214, be fixed at the discretion of the Collector, for such period [6][not exceeding ninety-nine years] as he may, [7]* * * * be authorized to prescribe, and the amounts due according to such assessment shall be levied on all such lands :

Proviso.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.[8]]

[9][(*2*) After the expiry of the period for which the assessment of any land is fixed under sub-section (*1*), the Collector may, from time to time, revise the same in accordance with the rules made in this behalf by the [10][State] Government. The assessment so revised shall be fixed each time for such period not exceeding ninety-nine years as the [10][State] Government may, by general or special order, specify.]

Register of alienated lands.

53. A Register shall be kept by the Collector in such form as may from time to time be prescribed by the [11][[10][State] Government] of all lands, the alienation of which has been established or recognized under the provisions of any law for the time being in force ; and when it shall be shown to the satisfaction of the Collector that any sanad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the [11][[10][State] Government] under section 213, grant to any person whom he may deem entitled to the same a certified extract from the said Register, which shall be endorsed by the Collector to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sanad.

Settlement of assessment to be made with the holder directly from [10][State] Government.

54. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 136, is primarily responsible to [12][the [10][State] Government] for the same.

---

[1] Section 52 was substituted by Bom. 6 of 1901.

*See section 5 of Bom. 6 of 1901, which is as under :—

"5. *Saving validity of past assessments purporting to have been fixed under section 52.*—Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered, continue to be levied."

[2] Section 52 has been numbered as sub-section (*1*) of section 52 by Bom. 35 of 1948, s. 2.

[3] This word was substituted for the word " or "by the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[4] The word, figures and letter " Chapter VIII-A " were substituted for the words and figures " section 102 or 106 " by Bom. 20 of 1939, s. 4.

[5] The words " or orders " were repealed by s. 15 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were inserted by Bom. 35 of 1948, s. 2.

[7] The words " by general or special orders of Government in this behalf " were repealed by s. 15 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The validity of past assessments purporting to have been fixed under s. 52 is saved by s. 5 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[9] Sub-section (2) was inserted by Bom. 35 of 1948, s. 2 (*2*).

[10] This word was substituted for the word " Provincial " by the Adaptation of Laws Oredr, 1950.

[11] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[12] The words " the Provincial Government " were substituted for the word " Government ", *ibid*

[1]* * * * *

Rates for the use of water.

55. The [2][[3][State] Government] may authorize the Collector or the officer in charge of a survey or such other officer as [4][it] deems fit to fix such rates as [4][it] may from time to time deem fit to sanction, for the use, by landholders and other persons, of water, the right to which vests in [5][the [6][Government], [7][and in respect of which no rate is leviable under the Bombay Irrigation Act, 1879]. Such rates shall be liable to revision at such periods as [8][the [3][State] Government] shall from time to time determine, and shall be recoverable as land revenue.

Bom. VII of 1879.

Land revenue to be a paramount charge on the land.

56. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Collector may levy all sums in arrears by sale of the occupancy or alienated holding, [9]* * * or may otherwise dispose of such occupancy or alienated holding under rules [10]* * made in this behalf under section 214, [11][and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by restoration to the defaulter, or by transfer to another person or otherwise howsoever, shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than [5][the [6][Government] in respect of such occupancy or holding].

Forfeited holdings may be taken possession of and otherwise disposed.

57. It shall be lawful for the Collector in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last section or any law for the time being in force, to take immediate possession of [12]* * * such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

Receipts.

[13][**58.** (*1*) Every revenue officer and every hereditary patel and every [14][village accountant] receiving payment of land revenue [15][shall, at the time when such payment is received by him, give] a written receipt for the same.

---

[1] The second paragraph of section 54 was repealed by s. 16 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[5] The words "the Crown" were substituted for the word "Government", *ibid.*

[6] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[7] These words and figures were substituted for the words "or which has been made available in consequence of the construction, improvement, or repair of any irrigational or other work by or at the instance of Government" by s. 2 of the Bombay Irrigation Act, 1879 (Bom. 7 of 1879), *infra*.

[8] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[9] The words "freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in any wise subsisting as against such occupant, or holder" were repealed by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[10] The words "or orders" were repealed by s. 17 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[11] These words were added by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[12] The words "the land embraced within" were repealed by s. 18 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[13] Section 58 was substituted by s. 2, 1st Sch., Part II, serial No. 3 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[14] These words were substituted for the words "hereditary village accountant" by Bom. 60 of 1950, Sch. II.

[15] These words were substituted for the words "shall give" by Bom. 53 of 1949, s. 3, Second Schedule.

(2) Every superior holder of an alienated village or of an alienated share of a village who is entitled to recover direct from an inferior holder any sum due on account of rent or land revenue [1][shall, at the time when such sum is received by him, give] to such inferior holder a written receipt for the same.

(3) Every hereditary patel and [2][accountant] who receives, in behalf of a superior holder of an alienated village or of an alienated share of a village, any rent or land revenue from an inferior holder [1][shall, at the time when such rent or land revenue is received by him, give] to such inferior holder a written receipt for the same. Such receipts shall be a full discharge to such inferior holder for such rent or land revenue as against such superior holder. A copy of such receipts shall in every case, be sent to the superior holder by such patel or accountant.]

Penalty for failure to grant receipts.

59. Any person convicted of a breach of the provisions of the last preceding section after summary inquiry before the Collector shall be liable to a fine not exceeding three times the amount received for which a receipt was not duly granted [3][or Rs. 100] and one-half of the fine may, at the discretion of the Collector, be paid to the informer, if any. Such inquiry may at any time be instituted by the Collector of his own motion without any complaint being preferred to him.

CHAPTER VI.

[4][OF THE GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND.]

Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.

60. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation obtain the permission in writing of the Mamlatdar or Mahalkari.

Penalties for unauthorized occupation of land.

61. [5][Any person who shall unauthorizedly enter upon occupation of any land set apart for any special purpose, or any unoccupied land which has not been alienated, and any person who uses or occupies any such land to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled shall,]

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his [6][unauthorized] occupation, and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land [7][used for] the same purpose;

---

[1] These words were substituted for the words "shall give" by Bom. 53 of 1949, s. 3, Second Schedule.

[2] This word was substituted for the words "hereditary accountant" by Bom. 60 of 1950, Sch. II.

[3] The word, letters and figures "or Rs. 100" were inserted by Bom. 29 of 1939, s. 30, read with Bom. 67 of 1948, s. 89.

[4] This heading was substituted for the original heading "Of the occupation of unalienated land and the rights of occupants" by s. 19 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] These words were substituted for the words "Any person who shall unauthorizedly occupy any land set apart for any special purpose or any unoccupied land which has not been alienated shall by s. 2 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. 3 of 1921).

[6] This word was inserted, *ibid.*

[7] These words were substituted for the words "appropriated to" by s. 20 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

and shall also be liable, at the discretion of the Collector, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in rules [1]* * made in this behalf under section 214, if he have [2][used it for] any non-agricultural purpose.

The Collector's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and in determining its amount occupation for [3][a portion] of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Collector, and any crop [4]* * * raised in the land shall be liable to forfeiture, and any building, or other construction [4]* * * erected thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable, be liable to forfeiture, [5][or to summary removal.]

Forfeitures under this section shall be adjudged by the Collector, and any property so forfeited shall be disposed of as the Collector may direct [5][and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land-revenue].

Unoccupied land may be granted on conditions.

[6][**62.** It shall be lawful for the Collector subject to such rules as may from time to time be made by the [7][[8][State] Government] in this behalf, to require the payment of a price for unalienated land or to sell the same by auction, and to annex such conditions to the grant as he may deem fit, before permission to occupy is given under section 60. The price (if any) paid for such land shall include the price of the [9][Government] right to all trees not specially reserved under the provisions of section 40. and shall be recoverable as an arrear of land revenue.]

Grant of alluvial land vesting in the [9][Government].

[6][**63.** When it appears to the Collector that any alluvial land, which vests under any law for the time being in force in [10][the State Government], may with due regard to the interests of the public revenue be disposed of, he shall offer the same to the occupant (if any) of the bank or shore on which such alluvial land has formed.

The price of the land so offered shall not exceed three times the annual assessment thereof.

If the said occupant shall refuse the offer, the Collector may dispose of the land without any restrictions as to the price to be asked.

For the purpose of this section, notwithstanding anything contained in section 3, if the bank or shore has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.]

---

[1] The words "or orders" were repealed by s. 20 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "appropriated it to", *ibid.*

[3] These words were substituted for the words "an incomplete portion" by the Amending Act, 1895 (16 of 1895).

[4] The words "he may have" were repealed by s. 7 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[5] These words were added by the first Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[6] Sections 62 and 63 were substituted by ss. 21 and 22, respectively, of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[9] This word was substituted for the word, "Crown" *ibid.*

[10] These words were substituted for the words "the Crown for the purposes of the Province" *ibid.*

Temporary right to alluvial lands of small extent.

64. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use [1]* * thereof unless or until the area of the same exceeds [2][one] acre [3]* * * * . When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Collector subject to the provisions of the last preceding section.

[4]* * * * * * *

Uses to which occupant of land for purposes of agriculture may put his land.

65. An occupant of land [5][assessed or held for the purpose of agriculture] is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land, or its more convenient [6][use for the purpose aforesaid].

Procedure if occupant wishes to apply his land to any other purpose.

But, if any occupant [7][wishes to use his holding or any part thereof for any other purpose] the Collector's permission shall in the first place be applied for by the [8]* occupant.

[9][The Collector, on receipt of such application,

(*a*) shall send to the applicant a written acknowledgment of its receipt, and

(*b*) may, after due inquiry, either grant or refuse the permission applied for:

Provided that, where the Collector fails to inform the applicant of his decision on the application within a period of three months, the permission applied for shall be deemed to have been granted; such period shall, if the Collector sends a written acknowledgment within seven days from the date of receipt of the application, be reckoned from the date of the acknowledgment, but in any other case it shall be reckoned from the date of receipt of the application.]

Unless the Collector shall in particular instances otherwise direct, no such application shall be recognized except it be made by the [8]* occupant.

Fine to be levied for such use in addition to special assessment.

When any such land is thus [10][permitted to be used for any purpose unconnected with agriculture] it shall be lawful for the Collector, subject to the general order of [11][the [12][State] Government], to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

---

[1] The words "and occupation" were repealed by s. 23 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] This word was substituted for the words "half an", *ibid.*

[3] The words "and also exceeds one-tenth of the area of his holding" were repealed, *ibid.*

[4] The second paragraph was repealed, *ibid.*

[5] These words were substituted for the words "appropriated for the purposes of agriculture" by s. 24 (*a*), *ibid.*

[6] These words were substituted for the words "occupation for the purposes aforesaid", *ibid.*

[7] These words were substituted for the words "wishes to appropriate his holding or any part, thereof to any other purpose", *ibid.*

[8] The word "registered" was repealed by s. 24 (*b*), *ibid.*

[9] This paragraph was substituted for the original paragraph by serial No. 4, Pt. II of Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[10] These words were substituted for the words "appropriated to any purpose unconnected with agriculture" by s. 24 (*a*) of Bom. 4 of 1913.

[11] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[12] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

Penalty for so using land without permission.

66. If any such land be so [1][used] without the permission of the Collector being first obtained, or before the expiry of [2][the period prescribed by section 65], the occupant and any tenant, or other person holding under or through him, shall be liable to be summarily evicted by the Collector from the land so [1][used] and from the entire field or survey number of which it may form a part, and the [3]* occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48 for the period during which the said land has been so [1][used], such fine as the Collector may, subject to the general orders of [4][the Provincial Government], direct.

Tenant responsible to occupant in damages.

Any [5]* * * tenant of any occupant or any other person holding under or through an occupant, who shall without the [3]* occupant's consent [6][use any such land for] any such purpose, and thereby render the said [3]* occupant liable to the penalties aforesaid, shall be responsible to the said [3]* occupant in damages.

Permission may be granted on terms.

67. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid [7]* * * on such terms [8][or conditions] as may be [9][prescribed by the Collector, subject to any rules made in this behalf by the [10][Provincial Government].]

Occupant's rights are conditional.

68. An occupant is entitled to the use and occupation of his land for the period, if any, to which his [11][tenure] is limited, or if the period is unlimited, or a survey settlement has been extended to the land, in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same, according to the provisions of this Act, or of any rules made under this Act, or of any other law, for the time being in force, and on the fulfilment of any other terms [12][or conditions] lawfully annexed to his [11][tenure]:

Proviso.

[13][Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may, subject to [14][rules made by the [10][Provincial Government] in this behalf], prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.]

---

[1] This word was substituted for the word "appropriated" by s. 25 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "three months from the date of the aforesaid acknowledgment" by Pt. II, Serial No. 5 of Schedule I of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] The word "registered" was repealed by s. 25 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "co-occupant or any" were repealed by Bom. 4 of 1913, s. 25 (*b*).

[6] These words were substituted for the words "appropriate any such land to" by s. 25 (*a*), *ibid.*

[7] The words "in special cases" were repealed by s. 26, *ibid.*

[8] These words were inserted by s. 8 (*1*) of the Bombay Land-revenue Code (Amendment) Act, 1901 (Bom. 6 of 1901).

[9] These words were substituted for the words "agreed on between Government and the registered occupant" by s. 26 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] The words "Provincial Government" were substituted for the words "Governor in Council by the Adaptation of Indian Laws Order in Council.

[11] This word was substituted for the word "occupancy" by s. 27 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[12] These words were inserted by s. 8 (*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[13] This proviso was added by s. 8 (*2*), *ibid.*

[14] These words were substituted for the words "the orders of Government" by s. 27 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913.)

Reservation of right of the Crown to mines and mineral products.

69. The right of [1][the Crown] to mines and mineral products in all unalienated land is and is hereby declared to be expressly reserved:

Proviso.

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

Occupancy when not liable to process of Civil Court; the Court to give effect to Collector's certificate.

70. [2]* * * * In any case where [3][an occupancy] is not transferable without the previous sanction of the Collector, and such sanction has not been granted to [4][a transfer] which has been made or [5][ordered by Civil Court] or on which the Court's decree or order is founded,

(*a*) such occupancy [6]* * shall not be liable to the process of any Court, and such transfer shall be null and void, and

(*b*) the Court, on receipt of a certificate under the hand and seal of the Collector, to the effect that any such occupancy [6]* * is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on or set aside any sale of, or affecting, such occupancy [7]* * *

71. [*Name of heir to be registered when registered occupant dies.*] *Repealed by Bom. IV of 1913, s. 29.*

Intestate occupancy or holding to be sold.

72. If an occupant who is either a Hindu, a Mahomedan, or a Buddhist dies intestate and without known heirs, the Collector shall dispose of his occupancy by sale, subject to the provisions of this Act or of any other law at the time in force for the sale of forfeited occupancies in realization of the land revenue, and the law at the time in force concerning property left by Hindus, Mahomedans or Buddhists, dying intestate and without known heirs shall not be deemed to apply to the said occupancy but only to the proceeds of such sale after deducting all arrears of land revenue due by the deceased to [1][the Crown] and all expenses of the said sale.

Occupancy to be transferable and heritable.

[8][**73.** [9][An occupancy] shall, subject to the provisions contained in section 56, and to any conditions lawfully annexed to the [10][tenure], and save as otherwise prescribed by law, be deemed an heritable and transferable property].

---

[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words repealed by s. 28 (*a*) of the Bombay Land-revenue (Amendment) Act (Bom. 4 of 1913) have been omitted.

[3] These words were substituted for the words "the occupancy or interest of the occupant in the land" by s. 28 (*b*), *ibid.*

[4] These words were substituted for the words "the transfer", *ibid.*

[5] These words were substituted for the words "ordered by the Court", *ibid.*

[6] The words "or interest" were repealed by s. 28 (*c*), *ibid.*

[7] The words "or interest in the land" were repealed, *ibid.*

[8] Section 73 was substituted by s. 10 of the Bombay Land Revenue Amendment Act, 1901 (Bom. 6 of 1901).

[9] These words were substituted for the words "the right of occupancy" by s. 30 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] This word was substituted for the word "occupancy", *ibid.*

[1][73A. (*1*) Notwithstanding anything in the foregoing section, in any tract or village to which [2][the Provincial Government] may, by notification published before the introduction therein of an original survey settlement under section 103, declare the provisions of this section applicable, [3][occupancies] shall not after the date of such notification be transferable without the previous sanction of the Collector. Power to restrict right of transfer.

(*2*) [4][The Provincial Government] may, by notification in the [5][Official Gazette], from time to time exempt any part of such tract or village or any person or class of persons from the operation of this section.]

[6][74. The occupant may relinquish his land, that is, resign it in favour of [7][the Crown], but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person (other than [7][the Crown] or the occupant), by giving notice in writing to the Mamlatdar or Mahalkari before the 31st March in any year or beforesuch other date as may from time to time be prescribed in this behalf by the [8][Provinc ial Governmen t], and such relinquishment shall have effect from the close of the current year: Relinquishment.

Provided that no portion of land which is less in extent than a whole survey number or sub-division of a survey number may be relinquished.]

75. [*Relinquishment of lands paying lump-assessment.*] *Repealed by Bom. IV of 1913, s. 33 (1).*

76. The provisions of [9][the last section] shall apply as far as may be, to the holders of alienated land: Provided that, Relinquishment of land described in paragraph 1 of section 49.

(*a*) it shall not be lawful to relinquish as aforesaid, any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section; and that

(*b*) if any person relinquish land on which, under the circumstances described in section 51, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempted from payment of revenue. Relinquishment of land described in section 51.

---

[1] Section 73A was inserted by s. 11 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the words "the occupancy for interest of the occupant in the land" by s. 31 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[6] Section 74 was substituted by s. 32 of the Bombay Land-revenue (Amendment) Act 1913 (Bom. 4 of 1913).

[7] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[9] These words were substituted for the words "the two last sections" by s. 33 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

Right of way to relinquished land.

77. If any person relinquishes land, the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Saving of operation of section 74 in certain cases.

78. Nothing in [1][section 74] shall affect—

[2]* * * * * *

[2]* the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from [3][the Crown].

79. [*Occupant to continue liable for demands until occupancy relinquished.*] *Repealed by Bom. IV of 1913, s. 35.*

Summary eviction of person unauthorizedly occupying land.

[4][**79A.** Any person unauthorizedly occupying, or wrongfully in possession of, any land

[5][(*a*) to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled, or]

(*b*) [6][which] is not transferable without previous sanction under section 73A or by virtue of any condition lawfully [7][annexed to the tenure] under the provisions of section 62, 67 or 68,

may be summarily evicted by the Collector.]

To prevent forfeiture of occupancy certain persons other than the occupant may pay the land revenue.

Collector may assist such persons in recovering the revenue from other parties liable therefor.

80. In order to prevent the forfeiture of an occupancy under the provisions of section 56 or of any other law for the time being in force, through non-payment by the [8]* occupant of the land revenue due on account thereof, it shall be lawful for any [9][person interested] to pay on behalf of such [9]* occupant all sums due on account of land revenue and [10][the Collector shall on due tender thereof] receive the same. And in any such case the Collector may [11][under section 86] give to the person who has paid the land revenue as aforesaid [12][aid for the recovery of any portion of such land revenue] which he may consider to be properly payable by other persons [13]* * *:

---

[1] The word and figures were substituted for the words and figures "sections 75 and 76" by s. 34 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] Clause (*a*) and the letter "*b*" were repealed, *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Section 79A was inserted by s. 12 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[5] Clause (*a*) was substituted by s. 3 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. 3 of 1921).

[6] This word was substituted for the words "of which the occupancy right" by s. 36 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] These words were substituted for the words "annexed to the occupancy", *ibid.*

[8] The word "registered" was repealed by s. 37, *ibid.*

[9] These words were substituted for the words "co-occupant tenant, mortgagee or other person interested in the continuance of the occupancy" by s. 37 (*a*), *ibid.*

[10] These words were substituted for the words "for the Collector to" by s. 2 (*1*) and first Schedule of the Bombay Repe ling and Amending Act, 1905 (Bom. 4 of 1905).

[11] These words were inserted by s. 37 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[12] These words were substituted for the words "such aid for the recovery of the proportional amounts' by s. 37 (*c*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[13] The words "in occupation of parts of a field or survey-number as he might legally have given had the persons so paying been the registered occupants" were repealed by s. 37 (*e*), *ibid.*

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jursidiction. Proviso.

81. [*When Collector may make co-occupant the registered occupant, instead of selling occupancy to realize land revenue.*] *Repealed by Bom. IV of 1913, s. 38.*

82. It shall be lawful for the [1][[2][State] Government] by notification in the [3][Official Gazette] from time to time ; [2][State] Government empowered to suspend operation of section 60 or 74.

(*a*) to suspend the operation of section 60 or 74, or of both, within any prescribed local area, either generally, or in respect of cultivators or occupants of a particular class or classes, and

(*b*) to cancel any such notification.

During the period for which any notification under the above clause (*a*) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended as the [4][State Government] shall from time to time direct.

CHAPTER VII.

Of Superior and Inferior Holders.

83. A person placed, as tenant, in possession of land by another, or, in that capacity, holding taking, or retaining possession of land permissivly from or by sufferance of another shall be regarded as holding the same at the rent, or for the services agreed upon between them ; or in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all the circumstances of the case, shall be just and reasonable. Amount of rent payable by tenant.

And where by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him. Duration of tenancy.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant. Presumption as to tenure.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise), to enhance the rent payable or services renderable by the tenant, or to evict the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid. Saving clause.

---

[1]The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2]This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3]The words "Official Gazette" were substituted for the words "Bombay Government Gazette", by the Adaptation of Indian Laws Order in Council.

[4]These words were substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

Annual tenancy terminates on the 31st March.

84. An annual tenancy shall in the absence of proof to the contrary be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Three months' notice of termination of tenancy to be given by landlord to tenant, or *vice versa*.

An annual tenancy shall [1][in the absence of any special agreement in writing to the contrary] require for its termination a notice given in writing by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E, or to the like effect.

Order granting suspensions or remissions to inferior holders.

[2][**84A.** (*1*) Whenever from any cause the payment of the whole or any part of the land revenue payable to [3][the [4][State] Government] by a superior holder in respect of any land is suspended or remitted, the Collector, acting under general or special orders of [3][the [4][State] Government], may suspend or remit as the case may be, the payment to such superior holder of the rent or land revenue of such land by the inferior holder or holders to an amount which—

(*a*) in the case of land in respect of which full assessment is payable to [3][the [4][State] Government], shall not exceed double the amount of the land revenue of which the payment by such superior holder has been suspended or remitted by [3][the [4][State] Government], and

(*b*) in the case of land in respect of which land revenue less than the full assessment is payable to [3][the [4][State] Government], shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by [3][the [4][State] Government] in favour of the superior holder if the full assessment had been payable to [3][the [4][State] Government] in respect of such land.

(*2*) In the case of land in respect of which no land revenue is payable to [3][the [4][State] Government] by a superior holder, whenever from any cause the payment of the whole or any part of the land revenue payable to [3][the [4][State] Government] in respect of any other land in the same neighbourhood has been suspended or remitted, the Collector acting under the general or special orders of [3][the [4][State] Government], may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of the first-mentioned land by the inferior holder or holders to an amount which shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by [3][the [4][State] Government] in favour of the superior holder if the full assessment had been payable to [3][the [4][State] Government] in respect of such land.

Such order not to be questioned in any Court.

(*3*) An order passed under sub-section (*1*) or under sub-section (*2*) shall not be questioned in any Court.

---

[1] These words were inserted by s. 2 of the Bombay Land Revenue Code Amendment Act, 1914 (Bom. 7 of 1914).

[2] Section 84A was inserted by s. 3, *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(4) If the superior holder collects any rent or land revenue of which the payment has been remitted, or before the expiration of the period of suspension collects any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders, the whole of the land revenue remitted or suspended in favour of such superior holder shall, without proudice to the rights of the inferior holder or holders to recover the rent or land revenue so collected, become immediately payable by the superior holder. Consequences following on such order.

(5) No application for assistance under sections 86 and 87 shall be entertained, no suit shall lie, and no decree of a Civil Court shall be executed, for the recovery by a superior holder of any rent or land revenue of which the payment has been, remitted, or, during the period of suspension, of any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders; but, where the payment of rent or land revenue by an inferior holder or holders has been suspended, the period during which the suspension has continued shall be excluded from the period of limitation prescribed for a suit for the recovery of such rent or land revenue.

(6) Nothing in this section shall make it unlawful for the superior holder to take the crop-share fixed by custom or agreement in respect of any land on which rent is payable in whole or in part in the form of a share of the crop. Crop-share fixed by custom or agreement.

(7) Explanation— Meaning of assessment.

In respect of land which has not been assessed under the provisions of [1][this Act] the term assessment, for the purposes of this section, includes the rent in land revenue payable by custom or by the usage of the locality.

[2]* * * * * *

[3][85. (1) Every superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a [4][village accountant] shall receive his dues on account of rent or land revenue from the inferior holders through such patel and accountant. Recovery of superior holders' dues.

(2) Where such patel and accountant fail to recover in behalf of such superior holder any sum due and payable to him on account of rent or land revenue, such superior holder shall, with the previous consent of the Collector, be entitled to recover his dues direct from the inferior holders.

(3) Where any such patel or accountant has recovered any sum in behalf of such superior holder and fails to account to him for the same, the Collector shall, on written application from the superior holder, recover such sum from such patel or accountant as an arrear of land revenue.

(4) Where any such superior holder demands or receives any rent or land revenue from any inferior holder otherwise than through such patel or accountant, he shall, on conviction in a summary inquiry before the Collector, be liable to a fine not exceeding three times the amount of the sum so demanded or received.]

---

[1] These words were substituted by Bom. 20 of 1939, s. 5.
[2] Sub-section (8) was omitted by the Adaptation of Laws Order, 1950.
[3] Section 85 was substituted by 1st Sch., Part II, Serial No. 6 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).
[4] These words were substituted for the words "hereditary village accountant" by Bom. 60 of 1950, Sch. II.

Superior holders entitled to assistance in recovery of dues from inferior holders, etc.

86. Superior holders shall, upon written application to the Collector, be entitled to assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders, or by co-sharers in their holdings under the same rules, except that contained in section 137, and in the same manner as prescribed in Chapter XI [1]* * * for the realization of land revenue by [2][the [3][State] Government].

But application must be made within the revenue year or within the year of tenancy.

Provided that such application be made within the revenue year or within the year of tenancy in which the said rent or land revenue became payable.

The Collector how to proceed on such application being made.

87. [4][(*1*) On application being made under section 86 to the Collector, he shall cause a written notice thereof to be served on the inferior holder or co-sharer fixing a day for inquiry into the case.

[4][(*2*)] On the day so fixed he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

[4][(*3*)] But, if it appears to the Collector that the question issue at between the parties is of a complicated or difficult nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates, has been assessed under the provisions [5][of this Act] grant assistance to the extent only for the assessment so fixed upon the said land.

Civil suit not to be barred.

[4][(*4*)] Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be.

[6][(*5*) One appeal only shall lie from any order passed under this section.]

88. [*Commissioner may, by commissions, confer certain powers on holders of alienated lands.*] *Repealed by Bom. XXIX of 1939, s. 30.*

89. [*Form of such commission.*] *Repealed by Bom. XXIX of 1939, s. 30.*

90. [*Reference must be made by holder of commission to the Collector in certain cases.*] *Repealed by Bom. XXIX of 1939, s. 30.*

91. [*When compulsory process shall cease.*] *Repealed by Bom. XXIX of 1939, s. 30.*

92. [*Power under commission to extend to current and previous year's arrears.*] *Repealed by Bom. XXIX of 1939, s. 30.*

93. [*Holder of commission not to enforce any unusual or excessive demand.*] *Repealed by Bom. XXIX of 1939, s. 30.*

---

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These sub-sections were originally paragraphs of section 87. They were numbered as sub-sections by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] These words were substituted by Bom. 20 of 1939, s. 5.

[6] Sub-section (*5*) was added by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

94. [*But holder of commission may establish his right to enhanced rent in Civil Court.*] *Repealed by Bom. XXIX of 1939, s. 30.*

Recovery as revenue demand of dues of certain superior holders for specified period.

[1][**94A.** (*1*) The superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a [2][village accountant] and to which a survey settlement has been extended under section 216, may by application in writing to the Assistant or Deputy Collector in charge of the taluka request that the rent or land revenue due to such superior holder may during a period named in the application be recovered as a revenue demand.

(*2*) The Collector may in his discretion sanction the application for a period not exceeding that named by the applicant, and in such case the following provisions shall apply :—

(*a*) Any rent or land revenue that accrues or has accrued due to the superior holder during the sanctioned periord or a period of six years previous thereto shall, to an extent not exceeding the assessment fixed on the land, be recoverable under the orders of the revenue authorities as a revenue demand during the sanctioned period.

(*b*) Where any proportion of the land revenue that accrues or has accrued due to [3][the [4][State] Government] in respect of unalienated land in the same neighbourhood during the said sanctioned or previous period has been suspended or remitted by proper authority, the Collector may suspend or remit an equal or lesser proportion of the rent or land revenue that accrues or has accrued due to the superior holder during the corresponding period. Any such suspension or remission shall, notwithstanding anything in the [5]Bombay Revenue Jurisdiction Act, 1876, be binding upon the superior holder in any subsequent proceedings in any Civil Court between the superior and inferior holders or their legal representatives, and any proceedings pending at the date of such suspension or remission shall abate to the extent of any claim that may be inconsistent therewith ; and no Civil Court shall entertain any suit against [6][the [7][Government]] in respect of any such suspension or remission.

X of 1876.

(*c*) Where any such suspension or remission has been granted to an inferior holder, the land revenue (if any) payable by the superior holder shall be suspended or remitted, as the case may be, to a proportionate extent.

(*d*) The balance of any sum recovered under clause (*a*) shall be paid to the superior holder after deduction of the costs, if any, of recovery and of any sum lawfully chargeable upon the sum recovered.]

CHAPTER VIII.

[8][Of Surveys, Assessments and Settlements of Land Revenue.]

Revenue survey may be introduced.

95. It shall be lawful for the [9][4][State] Government], whenever it may seem expedient, to direct the survey of any land in any part of the Presidency, with a view to the settlement of the land revenue, and to the record and preservation of rights

---

[1] Section 94A was inserted by s. 41 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "hereditary village accountant" by Bom. 60 of 1950, Sch. II.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

[5] *Supra.*

[6] The words "the Crown" were substituted for the words "the Secretary of State or Government" by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[8] This heading was substituted by s. 42 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[9] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

by [1][State] Government into any part of Presidency.

connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town, or city, generally, or to such land only as the [1][[2][State] Government] may direct; and subject to the orders of the [1][[2][State] Government] it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of revenue survey.

The control of every such revenue survey shall vest in and be exercised by the [1][[2][State] Government].

Survey Officer may require by general notice or by summons, suitable service from holders of land, etc.

96. It shall be lawful for the survey officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of lands and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally, or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance to be given by holders and others in the measurement or classification of lands.

97. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders; and in the event of a necessity for employing hired labour for this or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand.

Survey numbers not to be of less than a certain extent.

98. Except as herein after provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner of Survey, with the sanction of [3][the [2][State] Government]. A record of the minima so fixed shall be kept in the Mamlatdar's office in each taluka, and shall be open to the inspection of the public at reasonable times.

Exception.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner of Survey given either generally or in any particular instance in this behalf; and any survey number separately recognized in the [4][land records] shall be deemed to have been authorizedly made whatever be its extent.

99. [*Provisions applicable to recognized shares of survey-numbers.*] *Repealed by Bom. IV of 1913, s. 44.*

100. [*Officer in charge of a survey to fix assesments.*] *Repealed by Bom. XX of 1939, s. 6.*

101. [*The assessment so made may be on land or on means of irrigation, etc.*] *Repealed by Bom. XX of 1939, s. 6.*

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "the Provincial Government" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "survey records" by s. 43 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

102. [*Assessment so made not leviable without the sanction of Provincial Government. But may be fixed, with or without modification, by the Provincial Government for a term of years.*] *Repealed by Bom. XX of 1939, s. 6.*

103. [*Introduction of settlements.*] *Repealed by Bom. XX of 1939, s. 6.*

104. [*Excess assessment not to be levied in the year in which a survey settlement is introduced; nor in the following year if the number is resigned that year.*] *Repealed by Bom. XX of 1939, s. 6.*

105. The fixing of the assessment under the provisions of [1][this Act] shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the [2][[3][State] Government] to impose under the provisions of any law for the time being in force for purposes of local improvement, such as schools, village, and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 55 [4][or of the Bombay Irrigation Act, 1879.] Bom. VII of 1879.

The fixing of assessment under section 102 limited to ordinary land revenue.

106. It shall be lawful for the [2][[3][State] Government] to direct at any time, a fresh [5]*survey or any operation subsidiary thereto : [6]* * *

[2][State Government may direct a fresh survey and revision of assessment.

[7][Provided that when a general classification of the soil of any area has been made a second time, or when any original classification [8][of the soil] of any area has been approved by the [2][[3][State] Government] as final, no such classification shall be again made with a view to the revision of the assessment of such area.]

107. [*Conditions applicable to revisions of assessment.*] *Repealed by Bom. XX of 1939, s. 6.*

108. It shall be the duty of the survey officer, [9][or the settlement officer] on the occasion of making or revising a settlement of land revenue, to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, [10][with any other particulars that may be prescribed] and other records in accordance with such orders as may from time to time be made on this behalf by [11][the [3][State] Government].

Preparation of statistical and fiscal records.

109. [*Officers to correct clerical and admitted errors in settlement-register, and inquire into and pass orders on applications for mutation of names.*] *Repealed by Bom. IV of 1913, s. 49.*

110. [*Collector to keep survey-records and frame village-records in accordance therewith; and to register changes, etc.*] *Repealed by Bom. IV of 1913, s. 49.*

---

[1] These words were substituted for the word and figures "section 102" by Bom. 20 of 1939, s. 7.
[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These words were added by s. 2 of the Bombay Irrigation Act, 1879 (Bom. 7 of 1879), *infra*.
[5] The word "revenue" was omitted by Bom. 20 of 1939, s. 8.
[6] The words and figures "but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 102" were omitted, *ibid*, s. 8.
[7] This proviso was substituted for the second paragraph of s. 106 by s. 1 of the Bombay Land Revenue Code Amendment Act, 1886 (Bom. 4 of 1886), *infra*.
[8] These words were inserted by Bom. 20 of 1939, s. 8.
[9] These words were inserted, *ibid*, s. 9.
[10] These words were substituted for the words "together with the name of the registered occupant of such survey number" by s. 48 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).
[11] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Revenue management of villages or estates not belonging to the [4][Government] that may be temporarily under the management of [5][State] Government.

111. In the event of any alienated village or estate coming under the temporary management of [1][Government Officers], it shall be lawful for the Collector to let out the lands thereof, at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable, and [2][to grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of [1][Government Officers]: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of [3][the [4][Government]] on the land.

Maintenance of existing settlements of land revenue.

112. Existing survey settlements of land revenue made, approved and confirmed under the authority of the [6][5][State] Government] shall be, and are hereby declared to be, in force subject to the provisions of this Act.

Partition.

[7][**113.** Expenses properly incurred in making partition of estates paying revenue to [8][the [5][State] Government] shall be recoverable as a revenue demand in such proportions as the Collector may think fit from the sharers at whose request the partition is made, or from the persons interested in the partition.]

114. [*Partition of certain estates by the Collector on application by co-sharers.*] *Repealed by Bom. 6 of 1950, Sch.*

115. [*Sub-division of numbers at time of revision of survey.*] *Repealed by Bom. IV of 1913, s. 53.*

Division of survey numbers into new survey numbers.

[9][**116.** When any portion of cultivable land is permitted to be used under the provisions of section 65 or 67 for any non-agricultural purpose or when any portion of land is specially assigned under section 38, or when any assessment is altered or levied on any portion of land under sub-section (*2*) or sub-section (*3*) of section 48, such portion may, with the sanction of the Collector, be made into a separate number at any time notwithstanding the provisions of section 98.]

---

[1] The words "Government Officers" were substituted for the words "Servants of the Crown" by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the words "to sell the occupancy of unoccupied lands by auction" by s. 50 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[6] The words "Provincial Government" were substituted for the words "Governor in Council by the Adaptation of Indian Laws Order in Council.

[7] Section 113 was substituted by s. 51 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[9] Section 116 was substituted by s. 54 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

117. [*Bombay Act V of 1862 not affected.*] *Repealed by Bom. 32 of 1949, s. 9.*

[1][117A. [2][Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947,—] Division of survey numbers into sub-divisions.

Bom. LXII of 1947.

(*1*) survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason ;

(*2*) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the [3][Provincial Government] in this behalf :

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under [4][the provisions of this Act], unless such assessment is liable to alteration under section 48 :

(*3*) the area and assessment of such sub-divisions shall be entered in such land records as the [3][Provincial Government] may prescribe in this behalf.]

[5][117B. [2][Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947,] if any sub-division of a survey number is relinquished under section 74 or is forfeited for default in payment of land revenue, the Collector shall offer such sub-division at such price as he may consider it to be worth to the occupants of the other sub-divisions of the same survey number in such order as in his discretion he may think fit ; in the event of all such occupants refusing the same, it shall be disposed of as the Collector shall deem fit : Provisions applicable on relinquishment or forfeiture of a sub-division.

Bom. LXII of 1947.

Provided that until the said sub-division shall be occupied or until the entire survey number shall be relinquished, whichever event may first occur, the assessment of the said sub-division shall be levied from the occupants of the other sub-divisions of the survey number in proportion to the amount of assessment due from such occupants on account of their sub-divisions.

For the purposes of this section notwithstanding anything contained in section 3, if any of the other sub-divisions have been mortgaged with possession, the mortgagors shall be deemed to be the occupants thereof.]

---

[6]CHAPTER VIII-A.

Assessment and Settlement of Land Revenue of Agricultural Land.

117C. In this Chapter, unless there is anything repugnant in the subject or context— Interpretation section.

(*1*) "Settlement" means the result of the operations conducted in a taluka or part of a taluka in order to determine the land revenue assessment. Settlement.

---

[1] Section 117A was inserted by s. 56 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were inserted by Bom. 62 of 1947, s. 13.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the word and figures "section 102" by Bom. 20 of 1939, s. 10.

[5] Section 117B was inserted by s. 56 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] This Chapter was inserted by Bom. 20 of 1939, s. 11.

Term of settlement.

(*2*) "Term of a settlement" means the period for which the Provincial Government has declared that a settlement shall remain in force.

Group.

(*3*) "Group" means all lands in a taluka or part of a taluka which, in the opinion of the Provincial Government, are sufficiently homogeneous in respect of the factors enumerated in sub-section (*2*) of section 117G to admit of the application to them of the same standard rates for the purpose of assessment of land revenue.

Classification value.

(*4*) "Classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, water and other advantages.

Standard rate.

(*5*) "Standard rate" means, with reference to any particular class of land in a group, the normal assessment per acre on land in that class of sixteen annas classification value.

Class of land.

(*6*) "Class of land" means any of the following classes of land, namely, dry crop, rice or garden land.

Rental value.

(*7*) "Rental value" means the consideration (including premia, if any, or any sum of money paid or promised, or a share of crops, or service or any other thing of value rendered periodically or on specified occasions) for which land is or could be leased for a period of one year for its most advantageous use.

Prescribed.

(*8*) "Prescribed" means prescribed by rules made under section 214.

Government may direct an original or revision settlement of land revenue of lands comprised in a revenue survey.

117D. (*1*) The Provincial Government may at any time direct a settlement, hereinafter referred to as an original settlement, of the land revenue of any land of which a revenue survey has been made under section 95.

(*2*) The Provincial Government may also direct at any time a fresh settlement, hereinafter referred to as a revision settlement, of the land revenue of such land :

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

The term of settlement.

117E. A settlement shall remain in force for a period of 30 years :

Provided that in the case of any particular settlement, the Provincial Government may, for reasons to be recorded, direct that the settlement shall remain in force for any period less than 30 years :

Provided further that, when in the opinion of the Provincial Government a revision settlement is inexpedient, or when the introduction of such settlement has, for any cause, been delayed, the Provincial Government may extend the term of the settlement for the time being in force for such period as it may think fit

Limits of enhancement of assessment.

117F. (*1*) The aggregate existing assessment of lands in a taluka shall not be increased at a settlement by more than 25 per cent.

(*2*) The aggregate existing assessment of lands in a group shall not be increased at a settlement by more than 25 per cent.

(*3*) The aggregate existing assessment of lands in a village shall not be increased at a settlement by more than 50 per cent.

(*4*) The existing assessment of a survey number or a sub-division thereof shall not be increased at a settlement by more than 50 per cent.

(*5*) Notwithstanding anything contained in this section the Provincial Government may, by notification in the Official Gazette, exclude any lands from the operation of this section.

Assessment how determined.

117G. (*1*) The land revenue assessment on all lands in respect of which a settlement has been directed under sub-section (*1*) or sub-section (*2*) of section 117D and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the proviso to section 52, be determined by dividing the lands to be settled into groups and fixing the standard rates for each group :

Provided that the standard rates so fixed shall be such that the aggregate assessment on the occupied lands in any group shall not exceed thirty-five per cent. of the average of the rental values of such lands for a period of 5 years immediately preceding the year in which the settlement is directed.

(*2*) The groups shall be formed on a consideration of the following factors :—

(*i*) physical configuration,
(*ii*) climate and rainfall,
(*iii*) markets,
(*iv*) communications,
(*v*) standard of husbandry.
(*vi*) population and supply of labour,
(*vii*) agricultural resources,
(*viii*) the variations in the area of occupied and cultivated lands during the last 30 years,
(*ix*) wages,
(*x*) prices,
(*xi*) yield of the principal crops,
(*xii*) ordinary expenses of cultivating such crops, including the wages of the cultivator for his labour in cultivating the land,
(*xiii*) rental values of lands used for the purposes of agriculture,
(*xiv*) sales of lands used for the purposes of agriculture.

(*3*) The land revenue assessment of individual survey numbers and sub-divisions shall be based on their classification value in the manner prescribed.

Increase in value due to improvements at the expense of holders not to be taken into account.

117H. If during 30 years immediately preceding the date on which the settlement for the time being in force expires any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the rental value of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

Settlement Officer how to proceed for making a settlement.

117I. In making a settlement the Settlement Officer shall proceed as follows :—

(*1*) He shall hold enquiry in the manner prescribed by rules made under this Act.

(*2*) He shall divide the lands to be settled into groups.

(*3*) He shall ascertain in the prescribed manner the rental value of lands for the purposes of the settlement.

(*4*) He shall then fix standard rates for each class of land in each group on a consideration of all the factors mentioned in sub-section (*2*) of section 117G.

(*5*) He shall submit to the Collector a report, hereinafter called the settlement report, containing his proposals for the settlement.

Settlement report to be printed and published.

117J. (*1*) After the settlement report has been submitted to the Collector, the Collector shall cause such report to be published in the prescribed manner.

(*2*) There shall also be published in each village concerned in the regional language of such village a notice stating for each class of land in the village the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer. The notice shall also state that any person may submit to the Collector his objections in writing to the proposals contained in the settlement report within three months from the date of such notice.

Submission to Government of settlement report with statement of objections etc. and Collector's opinion thereon.

117K. After taking into consideration such objections as may have been received by him, the Collector shall forward to the [1][State] Government, through such officers as the [1][State] Government may direct, the settlement report with his remarks thereon.

Reference to Revenue Tribunal.

117KK. Any person aggrieved by the report published by the Collector under section 117J may within two months from the date of notice under sub-section (*2*) of section 117J apply to the [1][State] Government for reference to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. On such person depositing such amount of costs as may be prescribed the [1][State] Government shall direct the report to be sent to the Revenue Tribunal for enquiry. The Revenue Tribunal after making an enquiry in the manner prescribed shall submit its own opinion on the objections raised and on such other matters as may be referred to it by the [1][State] Government. The [1][State] Government may make rules for the refund of the whole or any portion of the costs in such cases as it deems fit. Bom. XII of 1939.

Settlement report to be laid on table of Legislature and copies to be supplied to the members of each [2][House].

117L. (*1*) The settlement report together with the objections, if any, received thereon and the opinion of the Revenue Tribunal on a reference, if any, made to it under section 117KK shall be laid on the table of each [2][House] of the [1][State] Legislature and a copy thereof shall be sent to every member of each such [2][House]. The said report shall be liable to be discussed by a resolution moved in each [2][House] of the [1][State] Legislature at its next following session.

Orders on the Settlement Report.

(*2*) After the termination of such session the [1][State] Government may pass such orders as it may deem fit :

Provided that no increase in the standard rates proposed in the settlement report shall be made unless a fresh notice as provided in section 117J has been published in each village affected by such rates and objections received, if any, have been considered by the [1][State] Government. The provisions of sub-section (*1*) shall, so far as may be, apply to orders to be passed regarding such increase.

(*3*) The orders passed by the [1][State] Government under sub-section (*2*) shall be final and shall not be called in question in any Court.

Power of Government to declare particular settlement to be made with reference to prices.

117M. (*1*) Notwithstanding anything contained in this Chapter the [1][State] Government may, by notification published in the Official Gazette at the time of passing orders under sub-section (*2*) of section **117L**, declare that the provisions of sub-sections (*2*), (*3*) and (*4*) of this section shall apply to any settlement.

(*2*) The settlement dates may be declared to have been fixed with reference to specified prices of specified classes of agricultural produce. When such a declaration

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Chamber", *ibid.*

has been made under sub-section (*1*), it shall be lawful for the [1][State] Government to enhance or reduce the assessment in such area in any year by granting a rebate or placing a surcharge on the assessment by reference to the alteration of the prices of the classes of agricultural produce specified in the declaration.

(*3*) The prices of agricultural produce shall be recorded and published in the Official Gazette and shall be taken into account in granting a rebate or placing a surcharge under sub-section (*2*).

(*4*) The surcharge shall be levied or the rebate shall be granted under sub-section (*2*) according to the scale prescribed by rules made in this behalf.

Power to Government to exempt from assessment for water advantages.

117N. (*1*) The [1][State] Government may at the time of passing orders under sub-section (*2*) of section 117L exempt any land from assessment under this Chapter for any advantage or specified kind of advantage accruing to it from water.

(*2*) The [1][State] Government may at any time during the term of the settlement, after publishing a notice in the village concerned in the regional language of such village and after the expiry of a period of six months from the date of the publication of such notice, withdraw any exemption granted by it under sub-section (*1*) and direct that such land shall be assessed for such advantage.

Introduction of settlement.

117O. After the [1][State] Government has passed orders under section 117L and notice of the same has been given in the prescribed manner the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the [1][State] Government may direct :

Provided that in the year in course of which a survey settlement, whether original or revised, may be introduced under this section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted and the revised assessment shall be levied only from the next following year :

Provided further that in the year next following that in which any original or revised survey settlement has been introduced any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions of survey numbers held by him, shall, on relinquishing such number or sub-division in the manner prescribed by section 74 on or before the 31st March, receive a remission of the increase so imposed.

Assessment of lands wholly exempt from payment of land revenue.

117P. Nothing in this Chapter shall be deemed to prevent the Settlement Officer from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue.

Power to Government to direct assessment for water advantages.

117Q. Notwithstanding anything contained in this Chapter the [1][State] Government may direct at the time of passing orders under sub-section (*2*) of section 117L that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the [1][State] Government has directed the settlement under section 117D

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

and not effected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no rate in respect of such additional advantages is levied under the Bombay Irrigation Act, 1879 : Bom. VII of 1879.

Provided that the [1][State] Government shall, before making such direction, publish a notice in this behalf in the village concerned in the regional language of such village and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be issued until after the expiry of a period of six months from the date of publication of such notice.

Settlements made before this Act to be deemed to be made under this Chapter.

117R. All settlements of land revenue heretofore made and introduced and in force at the date of the commencement of the Bombay Land Revenue Code (Amendment) Act, 1939, shall be deemed to have been made and introduced in accordance with the provisions of this Chapter and shall, notwithstanding anything contained in section 117E, be deemed to continue to remain in force until the introduction of a revision settlement.]

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

Determination of village-boundaries.

118. The boundaries of villages situated in [2][the territory of the State] shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be nominated by [3][the [1][State] Government] for the purpose, who shall be guided by the following rules :—

Village-boundaries may be settled by agreement.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all praticulars relating thereto, and shall hold a formal inquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation, and an award made by any other officer shall be subject to confirmation by such other officer as [3][the [1][State] Government] may nominate for the purpose.

Determination of field boundaries.

119. If at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and, if disputed, or if the

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words "British Territory", *ibid.*
[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

said holder or person in occupation be not present, it shall be fixed by the survey officer according to the [1][land records] and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if at any time [2][after the completion of a survey] a dispute arise concerning the boundary of any survey number [3][or sub-division of a survey number], it shall be determined by the Collector, who shall be guided [4][by the land records] if they afford satisfactory evidence of the boundary previously fixed, and if not, by such other evidence as he may be able to procure.

Settlement of boundary disputes by arbitration.

120. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if within a period to be fixed by the said officer the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confined by the said officer, or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

When award may be remitted for reconsideration.

Provided that the said officer, or the Superintendent of Survey, shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee, for any of the causes set forth in [5][paragraph 14 of the Second Schedule to the Code of Civil Procedure, 1908].

V of 1908.

If arbitration fail, survey officer to settle dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey see fit to extend the time, to settle the same as otherwise provided in this Act.

Effect of the settlement of a boundary.

121. [6][(*1*)] The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary-marks, and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

[7][(*2*) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.]

---

[1] These words were substituted for the words "village records" by s. 57 of the Bombay Land revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "after the survey records have been handed over to the Collector", *ibid.*

[3] These words were inserted, *ibid.*

[4] These words were substituted for the words "in the case of survey numbers by the survey records", *ibid.*

[5] These words and figures were substituted for the words and figures "section 520 of the Code of Civil Procedure" by s. 58, *ibid.*

[6] Section 121 was numbered sub-section (*1*) of s. 121 by s. 59, *ibid.*

[7] Sub-section (*2*) was added, *ibid.*

Construction and repair of boundary-marks of survey numbers and villages.

122. It shall be lawful for any survey officer, authorized by a Superintendent of Survey, or Settlement officer, to [1][specify or cause to be constructed, laid out, maintained or repaired] boundary-marks of villages or survey numbers [2][or sub-divisions of survey numbers] whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary-marks.

Such officer may require landholders to construct, [3][lay out, maintain] or repair their boundary-marks, by a notification which shall be posted in the chavdi or other public place in the village, to which the lands under survey belong, directing the holders of survey numbers [2][or sub-divisions] to construct [3][lay out, maintain] or repair, within a specified time, the boundary-marks of their respective survey numbers [2][or sub-divisions] and on their failure to comply with the requisition so made, the survey officer shall then construct [3][lay out] or repair them and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers [2][or sub-divisions] within the limits of the lands to which the survey extends.

Description of boundary marks.

[4][The boundary-marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules [5]* * made in this behalf under section 214, be determined by the Superintendent of Survey, according to the requirement of soil and climate.]

Responsibility for the maintenance of boundary-marks.

123. Every landholder shall be responsible for the maintenance and good repair of the boundary-marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Collector to have charge of boundary-marks after introduction of the survey settlement.

124. When the survey settlement shall have been introduced into a district, the charge of the boundary-marks shall devolve on the Collector, and it shall be his duty to take measures for their [6][construction, laying out], maintenance and repair, and for this purpose the powers conferred on survey officers by section 122 shall vest in him.

Penalty for injuring boundary-marks.

125. Any person convicted after a summary inquiry before the Collector, or before a survey officer, Mamlatdar, or Mahalkari, of wilfully erasing, removing or injuring a boundary-mark, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed, or injured.

---

[1] These words were substituted for the words "caused to be constructed or repaired" by s. 14(*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[2] These words were inserted by s. 60 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] These words were inserted by s. 14(*2*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[4] This paragraph was substituted by s. 14 (*3*), *ibid.*

[5] The words "or orders" were repealed by s. 60 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were inserted by s. 15 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

One-half of every fine imposed under this section may be awarded by the officer imposing it to the informer, if any, and the other half shall be chargeable with the cost of restoring the mark.

CHAPTER X.

OF LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Limits of sites of villages, towns and cities how to be fixed.

126. It shall be lawful for the Collector or for a survey officer, acting under the general or special orders of [1][the [2][State] Government], to determine what lands are included within the site of any village, town, or city, and to fix, and from time to time to vary the limits of the same, respect being had to all subsisting rights of landholders.

Act XI of 1852 and Bombay Acts II and VII of 1863 how far applicable to lands in such sites.

127. Act XI of 1852 and Bombay Acts II and VII of 1863 shall be deemed to be applicable, and to have always been applicable, in the territories to which they respectively extend, to all lands within the limits of the site of any town or city in which an inquiry into titles has been made under the provisions of Bombay Act IV of 1868[3] which have been hitherto ordinarily used for agricultural purposes only; but the provisions of the said Acts shall not be deemed applicable to any other lands within the limits of the site of any such town or city.

Existing exemption when to be continued in case of certain lands in towns and cities in which Bombay Act IV of 1868 has been in operation.

128. The existing exemption from payment of land revenue of lands other than lands which have hitherto been ordinarily used for purposes of agriculture only, situate within the sites of towns and cities in which an inquiry into titles has been made under the provisions of Bombay Act IV of 1868,[3] shall be continued—

First—if such lands are situated in any town or city where there has been in former years a survey which [1][the [2][State] Government] recognize for the purpose of this section, and are shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of land revenue;

Second—if such lands have been held wholly or partially exempt from the payment of land revenue for a period of not less than five years before the application of Bombay Act I of 1865,[4] or IV of 1868[3] to such town or city;

Third—if such lands, for whatever period held, have been held wholly or partially exempt from payment of land revenue under a deed of grant or of confirmation issued by an officer whom [1][the [2][State] Government] recognize as having been competent to issue such deed.

Right to exemption to be determined by the Collector.

129. (*1*) Claims to exemption under the last preceding section shall be determined by the Collector after a summary inquiry, and his decision shall be final.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] Bom. 4 of 1868 is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913.)
[4] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[1][(2) Any suit instituted in a Civil Court to set aside any order passed by the Collector under sub-section (*1*), in respect of any land situate within the site of a village, town or city, shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the order.]

Occupancy price payable, in addition to assessment in certain cases.

130. In towns and cities to which section 128 applies, the holders of any lands other than lands which have hitherto been used for purposes of agriculture only, which have been unauthorizedly occupied for a period commencing less than two years before Bombay Act I of 1865[2] or IV of 1868[3] was applied to the town or city in which the said lands are situate, shall be liable to pay [4][a price for the said. lands] in addition to the land revenue assessed thereupon.

The said [5][price] shall be determined according to the provisions of section 62.

Survey of lands in such sites how to be conducted.

131. If the [6][[7][State] Government] shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town, or city, under the provisions of section 95, or a fresh survey thereof under the provisions of section 106, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Act: Provided that nothing contained in section 96, 97, 101, [8]* 104, or 118 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

Proviso.

In certain cases a survey-fee to be charged.

132. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building-site shall be liable to the payment of a survey-fee to be assessed by the Collector under such rules as may be prescribed in this behalf from time to time by [9][the [7][State] Government], provided that the said fee shall in no case exceed [10][[11][twenty rupees] for each building site or any portion thereof held separately].

The said survey-fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the town or city, or of such part thereof as the notice shall refer to.

[12]* * * * * * *

Sanad to be granted without extra charge.

133. Every holder of a building site as aforesaid shall be entitled, after payment of the said survey-fee, to receive from the Collector without extra charge one or more sanads, in the form of Schedule H, [13][or to the like effect] specifying by plan and description the extent and conditions of his holding :

---

[1] Sub-section (*2*) was added by s. 2 of the Bombay Land Revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912), which also enacted that the original section 129 should be numbered sub-section (*1*) of s. 129.

[2] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] Bom. Act 4 of 1868 is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted for the words "the price of the occupancy of the said lands" by s. 61, *ibid.*

[5] This word was substituted for the words "occupancy price", *ibid.*

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[8] The figures "103" were repealed by s. 62 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[9] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[10] These words were substituted for the words "rupees five for each survey number" by s. 63(*a*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[11] These words were substituted for the words "ten rupees" by Bom. 7 of 1953, s. 2.

[12] The third paragraph was repealed by s. 63 (*b*) of Bom. 4 of 1913.

[13] These words were inserted by s. 64, *ibid.*

Provided that if such holder do not apply for such sanad or sanads at the time of payment of the survey-fee or thereafter within six months from the date of the public notice issued by the Collector under the last preceding section, the Collector may require him to pay an additional fee not exceeding one rupee for each sanad. Proviso.

Every such sanad shall be executed on behalf of the [1][Crown] by such officer as may from time to time be lawfully empowered to execute the same.

134. If any land within the site of any village, town, or city, hitherto ordinarily used for agricultural purposes only, with respect to which a summary settlement has been made between [2][the Crown] and the holder under the provisions of any law for the time being in force, be [3][used for] any other purposes, it shall be liable to payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable under the terms of such summary settlement. Assessment of lands hitherto used for purpose of agriculture only used for other purposes.

135. [*Limitation of certain suits.*] *Repealed by Bom. XI of 1912, s. 3.*

---

[4][CHAPTER X-A.]

Of the Record of Rights.

135A. The [5][Provincial Government] may, by notification in the [6][Official Gazette], direct that this Chapter, or any specified provisions thereof, shall not be in force in any specified local area, or with reference to any lands or any class of villages or lands, or generally. Exemption from provisions of this chapter.

135B. (*1*) A record of rights shall be maintained in every village and such record shall include the following particulars :— The record of rights.

(*a*) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto;

(*c*) the rent or revenue (if any) payable by or to any of such persons;

(*d*) such other particulars as the [5][Provincial Government] may prescribe by rules made in this behalf.

(*2*) Provided that the said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the [5][Provincial Government] may, by notification in the [6][Official Gazette], direct that the provisions of this section shall apply in any local area or generally.

---

[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] These words were substituted for the words "appropriated to" by s. 65 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] Chapter X-A was inserted by s. 66, *ibid.*

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

Acquisition of rights to be reported

135C. Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the village accountant within three months from the date of such acquisition, and the said village accountant shall at once give a written acknowledgment of the receipt of such report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village accountant;

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the village accountant.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882. IV of 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

Register of mutations and register of disputed cases.

135D. (*1*) The village accountant shall enter in a register of mutations every report made to him under section 135C and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in [1][the first paragraph] of section 135C which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(*2*) Whenever a village accountant makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavdi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(*3*) Should any objection to any entry made under sub-section (*1*) in the register of mutations be made either orally or in writing to the village accountant, it shall be the duty of the village accountant to enter the particulars of the objection in a register of disputed cases.

(*4*) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the [2][Provincial Government] in this behalf

(*5*) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the [2][Provincial Government] in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

Entries in register of mutations how to be certified.

(*6*) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by a revenue officer of rank not lower than that of a Mamlatdar's first karkun.

Tenancies.

(*7*) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (*2*) of section 135B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the [2][Provincial Government] may prescribe by rules made in this behalf.

---

[1] These words were substituted for the word and figure "sub-section (*1*)" by first schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Obligation to furnish information.

135E. (*1*) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any revenue officer or village accountant engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(*2*) A revenue officer or village accountant to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (*1*) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

Penalty for neglect to afford information.

135F. Any person neglecting to make the report required by section 135C, or furnish the information or produce the documents required by section 135E within the prescribed period shall be liable, at the discretion of the Collector, to be charged a fee not exceeding twenty-five rupees, which shall be leviable as an arrear of land revenue.

Requisition of assistance in preparation of maps.

135G. Subject to rules made in this behalf by [1][[2][State] Government]—

(*a*) any revenue officer or village accountant may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter exercise any of the powers of a survey officer under sections 96 and 97, except the power of assessing the cost of hired labour under section 97, and

(*b*) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plan relate, and such costs shall be recoverable as a revenue demand.

Certified copy of record to be annexed to plant or application.

135H. (*1*) The plaintiff or applicant in every suit or application as hereinafter defined relating to land situated in any area to which this Chapter applies shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

(*2*) If the plaintiff or applicant fails so to do for any cause which the Court or conciliator deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court or conciliator, and if such certified copy is not so annexed or produced the plaint or application hall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(*3*) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Collector any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Collector shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court : provided that, in the case of an appellate

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

or revisional decree or order passed by the High Court [1]* * *, the communication shall be made by the Court from which the appeal lay or the record was called for.

(*4*) In this section—

(*a*) " suit " means a suit to which the provisions of the Code of Civil Procedure, 1908, or of the Mamlatdar's Courts Act, 1906, apply ; V of 1908. Bom. II of 1906.

(*b*) " application " means an application—

(*i*) for the execution of a decree or order in a suit ;

(*ii*) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure, 1908 ; V of 1908.

(*iii*) for the filing of an agreement to refer to arbitration under paragraph 17 of the Second Schedule to the said Code ;

(*iv*) for the filing of an award under paragraph 20 of the said Schedule ;

(*v*) to a conciliator under section 39 of the Dekkhan Agriculturists' Relief Act, 1879 ;

(*vi*) of any other kind to which the [2][[3][State] Government] may, by notification in the [4][*Official Gazette*] direct that this section shall apply ; XVII of 1879.

(*c*) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land ;

(*d*) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under section 87.

135I. Notwithstanding anything in section 87, the Collector shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations.

135J. An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substutited therefor.

Certified copies.

135K. Applications for certified copies of entries in the record of rights, the register of mutations and the register of tenancies may be made to, and such copies may be given by, the village accountant, Mahalkari or Mamlatdar.

Bar of suits and exclusion of Chapter XIII.

135L. (*1*) No suit shall lie against the [5][Government or any officer of Government] in respect of a claim to have an entry made in any record or register that is maintained under this Chapter, or to have any such entry omitted or amended, and the provisions of Chapter XIII shall not apply to any decision or order under this Chapter.

Appeal.

(*2*) The correctness of the entries in the record of rights and register of mutations shall be inquired into and the particulars thereof revised, by such Revenue officers and in such manner and to such extent and subject to such appeal as the [2][[3][State] Government] may from time to time by rules prescribe in this behalf.]

---

[1] The words " or the Court of the Judicial Commissioner of Sind " were omitted, by the Adaptation of Laws Order, 1950.

[2] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

[5] These words were substituted for the words " Crown or any servant of the Crown ", by the Adaptation of Laws Order, 1950.

CHAPTER XI.

OF THE REALIZATION OF THE LAND REVENUE AND OTHER REVENUE DEMANDS.

Liability for land-revenue.

[1][136. (*1*) In the case of unalienated land the occupant, and in the case of alienated land the superior holder, shall be primarily liable to [2][the Provincial Government] for the payment of the land revenue, including all arrears of land revenue, due in respect of the land. Joint occupants and joint holders who are primarily liable under this section shall be jointly and severally liable.

(*2*) In case of default by any person who is primarily liable under this section the land revenue, including arrears as aforesaid, shall be recoverable from any person in possession of the land:

Provided that where such person is a tenant, the amount recoverable from him shall not exceed the demands of the year in which the recovery is made:

Provided further that, when land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable.]

Claims of Provincial Government to have precedence over all others.

137. The claim of [2][the Provincial Government] to any moneys recoverable under the provisions of this Chapter, shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment-decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

The liability of the crop for the revenue of the land.

138. In all cases the land revenue for the current year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same.

Land revenue may be levied at any time during the revenue year.

139. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 140 to 144, payment will be required only on the dates to be fixed under the provisions hereinafter contained.

Removal of crop which has been sold, etc., may be prevented until revenue paid.

[3][**140.** When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority or by private agreement, the Collector may prevent its being removed from the land until the demands for the current year in respect of the said land have been paid, whether the date fixed for the payment of the same under the provisions hereinafter contained, has yet arrived or not.

But in no case shall a crop or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than the demands of the year in which the detention is made.]

---

[1] Section 136 was substituted by section 67 of the Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Section 140 was substituted by section 68 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

In order to secure the land revenue the Collector may prevent the reaping of the crop, or

141. It shall be lawful for the Collector, in order to secure the payment of the land revenue by enforcement of the lien of [1][the Provincial Government] on the crop—

(*a*) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him, in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

the removal thereof, or

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid;

place watchmen over it.

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs.

Collector's orders under last section how to be made known.

142. The Collector's orders under either clause (*a*) or clause (*b*) of the last preceding section may be issued generally to all the holders of land paying revenue to [1][Provincial Government] in a village or to individual holders merely.

If the order be general it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the chavdi or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Penalty for disobedience of order.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after a summary inquiry by the Collector, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed. XLV of 1860

Reaping, etc., not to be unduly deferred.

Crop when to be released.

143. The Collector shall not defer the reaping of the crop, nor prolong its deposit unduly, so as to damage the produce; and if within two months after the crop has been deposited the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter or take such portion thereof as he may deem fit, for sale under the provisions of this Chapter applicable to sales of moveable property in realization of the revenue due and of all legal costs, and release the rest.

Temporary attachment and management of a village or share of a village.

144. If owing to disputes amongst the sharers, or for other cause, the Collector shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

The provisions of section 160 shall apply to any village or share of a village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 111, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Collector [1]* * * may direct. Powers of Manager, and disposal of surplus profits.

145. The precautionary measures authorised by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue or any person who would be responsible for the same if default were made by the person primarily responsible shall pay the costs, if any, lawfully incurred by the Collector up to the time of such relinquishment, and shall furnish security satisfactory to the Collector for the payment of the revenue, at the time at which or in the instalments, if any, in which, it is payable under the provisions hereinafter contained. Precautionary measures to be relinquished on security being furnished.

146. Land revenue, except when it is recovered under the provisions of the foregoing sections 140 to 144, shall be payable at such times, in such instalments, to such persons and at such places as may from time to time be determined by the orders of [2][the [3][State] Government]. [3][State] Government to determine the dates, etc., on which land revenue shall be payable.

147. Any sum not so paid becomes thereupon an arrear of land revenue, and the persons responsible for it, whether under the provisions of section 136 or of any other section, become defaulters. Arrear Defaulters.

[4]**148.** If any instalments of land revenue be not fully paid within the prescribed time, it shall be lawful for the Collector to impose as a penalty or as interest such charge on such instalments, and on the arrears, if any, of former years, as may be authorized according to a scale to be fixed from time to time under the orders of the [5][[3][State] Government], and further to proceed to levy at once the entire balance of land revenue due by the defaulter for the current year : Liabilities incurred by default.

Provided that no such charge shall be imposed on any instalment, the payment of which has been suspended by order of [2][the [3][State] Government], in respect of the period during which the payment remained suspended.]

149. A statement of account, certified by the Collector or by an Assistant or Deputy Collector, shall, for the purposes of this Chapter, be conclusive evidence of the arrear of the amount of land revenue due, and of the person who is the defaulter. Certified account to be evidence as to arrears.

On receipt of such certified statement, it shall be lawful for the Collector of one district to proceed to recover the demands of the Collector of any other district under the provisions of this Chapter as if the demand arose in his own district. Collectors may realize each other's demands.

A similar statement of account certified by the Collector of Bombay may be proceeded upon as if certified by the Collector of a district under this Act.

---

[1] The words "subject to the orders of the Commissioner" were repealed by section 2 (2) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] Section 148 was substituted by section 69 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Process for recovery of arrears.

150. An arrear of land revenue may be recovered by the following processes :—

(*a*) by serving a written notice of demand on the defaulter under section 152 ;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 153 ;

(*c*) by distraint and sale of the defaulter's moveable property under section 154 ;

(*d*) by sale of the defaulter's immovable property under section 155 ;

(*e*) by arrest and imprisonment of the defaulter under sections 157 and 158 ;

(*f*) in the case of alienated holding consisting of entire villages, or shares of villages, by attachment of the said villages or shares of villages under sections 159 to 163.

Revenue demands of former years how recoverable.

151. The said processes may be employed for the recovery of arrears of former years as well as of the current year, but the preferences given by sections 137 and 138 shall apply only to demands for the current year :

Proviso.

Provided that any process commenced in the current year shall be entitled to the said preferences, notwithstanding that it may not be fully executed within that year.

When notice of demand may issue.

152. A notice of demand may be issued on or after the day following that on which the arrear accrues.

The [1][State Government] may from time to time frame rules for the issue of such notices, and [2]* * * * * * shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

The occupancy or alienated holding for which arrear is due may be forfeited.

153. The Collector may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to [3][the [4][State] Government], and sell or otherwise dispose of the same under the provisions of sections 56 and 57, and credit the proceeds, if any, to the defaulter's accounts.

Proviso.

[5][Provided that the Collector shall not declare any such occupancy or alienated holding to be forfeited—

(*a*) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed by sections 165 and 166 for sales of immovable property, and

(*b*) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 166.]

Distraint and sale of defaulter's moveable property.

154. The Collector may also cause the defaulter's moveable property to be distrained and sold.

---

[1] These words were substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

[2] The words "with the sanction of the Provincial Government" were deleted, *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] This proviso was added by s. 16 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

Such distraints shall be made by such officers or class of officers as the [1][Collector] under the orders of [2][the [3][State] Government] may from time to time direct. By whom to be made.

155. The Collector may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due to be sold. Sale of defaulter's immovable property.

V of 1908. 156. All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempt from distraint or sale, under either of the last two preceeding sections. Exemption from distraint and sale.

The Collector's decision as to what property is so entitled to exemption shall be conclusive.

157. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for ten days in the office of the Collector or of a Mamlatdar or Mahalkari, unless the revenue due together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued and the cost of his subsistence during detention is sooner paid. Arrest and detention of defaulter.

If, on the expiry of ten days the amount due by the defaulter is not paid, then, or if the Collector deem fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule C, for imprisonment in the civil jail of the district: Imprisonment in civil jail.

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter. Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.

158. [4][The State Government may] from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 157 may be exercised, and also fix the costs of arrest and the amount of subsistence-money to be paid by [2][the [3][State] Government] to any defaulter under detention or imprisonment. Power of arrest by whom to be exercised.

159. If the holding, in respect of which an arrear is due, consists of an entire village, or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Collector may, with the previous sanction of the [5][State Government] cause such village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose. Power to attach defaulter's village, and take it under management.

160. The lands of any village or share of a village so attached shall revert to [6][the [7][Government] unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against Lands of such village to revert free of incumbrances.

[1] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.
[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These word were substituted for the words "the Commissioner may with the sanction of the Provincial Government" by Bom. 28 of 1950, Sch.
[5] These words were substituted for the word "Commissioner" *Ibid.*
[6] The words "the Crown" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.
[7] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

such superior holder or shares as are interested therein, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals;

Powers of manager.

and the Collector or the agent so appointed shall be entitled to manage the lands attached, and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Collector restores the said superior holder to the management thereof.

Application of surplus profits.

161. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment of the current revenue, and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 111 [1]* * * shall be applied in defraying the said arrear.

Restoration of village so attached.

162. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder on the said superior holder's making an application to the Collector for that purpose at any time within twelve years from the first of August next after the attachment—

if at the time that such application is made it shall appear that the arrear has been liquidated;

or if the said superior holder shall be willing to pay the balance, if any, still due by him, and shall do so within such period as the Collector may prescribe in that behalf.

Disposal of surplus receipts.

The Collector shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made after defraying all arrears and costs; but such surplus receipts, if any, of previous years shall be at the disposal of [2][the [3][State] Government].

Village, etc., to vest in [4][the State Government] if not redeemed within twelve years.

163. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him within the period prescribed by the Collector in this behalf, the said village or portion of a village shall thenceforward vest in [4][the State Government] free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors-in-title, or in anywise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the [5][persons in actual possession of the land].

But all processes to be stayed on security being given;

164. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Collector or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge

---

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were substituted for the words "the Crown for the purposes of the Province", *ibid.*

[5] These words were substituted for the words "actual occupants of the soil" by s. 70 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

of such jail, security in the form of Schedule D, satisfactory to the Collector, or to such other person or officer.

And any person against whom proceedings are taken under this Chapter may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed. or on amount demanded being paid under protest.

165. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Collector shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the time and place of sale, and in the case of moveable property whether the sale is subject to confirmation or not, and, when land paying revenue to [1][the Provincial Government] is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary. Procedure in effecting sales.

Such proclamation shall be made by beat of drum at the head-quarters of the taluka, and in the village in which the immovable property is situate, if the sale be of immovable property; if the sale be of moveable property the proclamation shall be made in the village in which such property was seized, and in such other places as the Collector may direct. Proclamation of sales.

166. A written notice of the intended sale of immovable property, and of the time and place thereof, shall be affixed in each of the following places, viz., the office of the Collector of the district, the office of Mamlatdar or Mahalkari of the taluka or mahal in which the immovable property is situate, the chavdi or some other public building in the village in which it is situate, and the defaulter's dwelling-place. Notification of sales.

In the case of moveable property, the written notice shall be affixed in the Mamlatdar's or Mahalkari's office, and in the chavdi or some other public building in the village in which such property was seized.

The Collector may also cause notice of any sale, whether of moveable or immovable property, to be published in any other manner that he may deem fit.

167. Sales shall be made by auction by such persons as the Collector may direct. Sale by whom to be made.

No such sale shall take place on a Sunday or other general holiday recognized by [1][the Provincial Government], nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of moveable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section. Time when sale may be made.

The sale may from time to time be postponed for any sufficient reason. Postponement of sale.

168. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Collector either generally or specially in that behalf. Sale of perishable articles.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

When sale may be stayed.

169. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the day fixed for the sale, to the person appointed under section 146 to receive payment of the land revenue due, or to the officer appointed to conduct the sale or if he furnish security under section 164, the sale shall be stayed.

Sales of moveable property when liable to confirmation.

170. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of moveable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Collector either generally or specially in that behalf. In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed.

Mode of payment for moveable property when sale is concluded at once.

171. When the sale is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Ditto when sale is subject to confirmation.

172. When the sale is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or, if the said day be a Sunday or other authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase-money, the purchaser shall be granted, a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immovable property.

173. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

Purchase-money when to be paid.

174. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place, or, if the said fifteenth day be a Sunday or other authorized holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

175. In default of payment within the prescribed period of the full amount of purchase-money, whether of moveable or immovable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to [1][the Provincial Government], and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by re-sale.

176. If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Collector as an arrear of land revenue.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Notification before re-sale.

177. Every re-sale of property in default of payment of the purchase-money, or after postponement of the first sale, shall, except when such re-sale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

Application to set aside sale.

178. At any time within thirty days from the date of the sale of immovable property application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it;

but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

If the application be allowed, the Collector shall set aside the sale, and direct a fresh one.

Order confirming or setting aside sale.

179. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale: Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

Refund of deposit or purchase-money when sale set aside.

180. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

181. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land [1]* * * and shall cause his name to be entered in the [2][land records] as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the [3][land] to which the certificate refers.

Bar of suit against certified purchaser.

182. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

Application of proceeds of sale.

183. When any sale of moveable property under this Chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue,

and the surplus (if any) shall be paid to the person whose property has been sold.

---

[1] The words "included in such occupancy or alienated holding" were repealed by s. 71 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).
[2] These words were substituted for the words "revenue records", *ibid.*
[3] This word was substituted for the words "occupancy or alienated holding", *ibid.*

Expenses of sale how calculated.

The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by [1]* * * [2][the [3][State] Government].

Surplus not to be paid to creditors, except under order of Court.

184. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Certified purchaser liable only for land revenue subsequently due.

[4][**185.** Notwithstanding anything in section 136, the person named in the certificate of title as purchaser shall not be liable for land-revenue due in respect of the land for any period previous to the date of the sale.]

Claims to attached moveable property how to be disposed of.

186. If any claim shall be set up by a third person to moveable property attached under the provisions of this Chapter, the Collector shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

What moneys leviable under the provisions of this Chapter.

187. All sums due on account of land revenue, all quit-rents, nazranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, and costs payable or leviable under this Act or under any Act or Regulation hereby repealed, or under any Act for the time being in force relating to land revenue;

and all moneys due by any contractor for the farm of customs-duties, or of any other duty, or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this or by any other Act or Regulation at the time being in force [5][or by any contract with the [6][Government]] to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue;

shall be levied under the foregoing provisions of this Chapter [7][and all the foregoing provisions of this Chapter shall, so far as may be, be applicable thereto.]

[8][And any money ordered by a liquidator appointed under section 42 of the [9]Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the costs of liquidation may, notwithstanding anything II of 1912.

---

[1] The words "the Commissioner under the orders of" were deleted by Bom. 28 of 1950, Sch.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] Section 185 was substituted by s. 72 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. V of 1913).

[5] The words "or by any contract with the Secretary of State for India in Council" were inserted by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[6] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[7] These words were added by s. 73 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] This paragraph and the proviso were inserted by s. 2 of the Bombay Land-revenue Code (Amendment) Act, 1920 (Bom. 1 of 1920).

[9] See now Bom. 7 of 1925.

contained in sub-section (*5*) of section 42 of the said Act, be levied under the foregoing provisions of this Chapter and all the foregoing provisions of this Chapter shall, so far as may be, be applicable thereto :

Provided that every application for recovery in such manner of any such sum shall be accompanied by a certificate signed by the Registrar appointed under section 3 of the [1]Co-operative Societies Act, 1912, that the amount may be recovered as an arrear of land revenue.]

II of 1912.

Sureties liable as revenue defaulters.

And all persons who may have become sureties under any of the provisions of this Act or of any Act or Regulation hereby repealed, or for any such contractor as aforesaid for any sum of money shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of this Chapter as revenue-defaulters [2][and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such persons.]

On resumption of a farm, no payments made to contractor in advance to be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payments which he may have made to the contractor in anticipation.

The recovery of free grants as arrears of revenue in case of misuse.

[3][And any person who has received from [4][the Provincial Government] a free grant of money for any agricultural purpose, subject to the proviso that he shall refund the same on failure to observe any of the conditions of the grant, shall, on failure to observe any such condition and to repay the said sum to [4][the Provincial Government], be liable to be proceeded against under the provisions of this Chapter as a revenue-defaulter ; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.]

CHAPTER XII.

Procedure of Revenue Officers.

Subordination of revenue officers.

188. In all official acts and proceedings a revenue officer shall, in the absence of any express provision of law to the contrary, be subject as to the place, time and manner of performing his duties to the direction and control of the officer to whom he is subordinate.

Power to summon persons to give evidence and produce documents.

189. Every revenue officer not lower in rank than a Mamlatdar's first karkun, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make. A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

---

[1] See now Bom. 7 of 1925.

[2] These words were added by s. 73 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] This paragraph was added by s. 73 (*3*), *ibid.*

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: Provided that exemptions under [1][sections 132 and 133 of the Code of Civil Procedure, 1908], shall be applicable to requisitions for attendance under this section; V of 1908.

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

Summons to be in writing signed and sealed.

190. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and if he have a seal shall also bear his seal;

How to be served.

and shall be served by tendering or delivering a copy of it to the person summoned or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

Service in district other than that of issuer.

If his usual residence be in another district, the summons may be sent by post to the Collector of that district, who shall cause it to be served in accordance with the preceding clause of this section.

Mode of serving notices.

191. Every notice under this Act, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if he have any;

or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

Notice not void for error.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Procedure for procuring attendance of witnesses.

192. In any formal or summary inquiry if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the [2][Code of Civil Procedure, 1908, for parties applying for summonses for witnesses]. V of 1908.

Mode of taking evidence in formal inquiries.

193. In all formal inquiries the evidence shall be taken down in full, in writing, in the language in ordinary use in the district, by, or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

---

[1] These words and figures were substituted for the words and figures "sections 640 and 641 of the Code of Civil Procedure" by s. 74 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words and figures were substituted for the words and figures "Code of Civil Procedure, section 160" by s. 75, *ibid.*

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the district shall be made and shall form part of the record. Taking evidence given in English; Translation to be on record.

194. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own hand-writing, and shall contain a full statement of the grounds on which it is passed. Writing and explanation of decisions.

195. In summary inquiries the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in the language of the district, embracing the material averments made by the parties interested, the material parts of the evidence, the decision, and the reasons for the same: Summary inquiries how to be conducted.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Act to be summary under all, or any, of the rules applicable to a formal inquiry, if he deem fit.

196. A formal or summary inquiry under this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193, 219, and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry. Formal and summary inquiries to be deemed judicial proceedings.

XLV of 1860.

Every hearing and decision, whether in a formal or summary inquiry shall be in public, and the parties or their authorized agents shall have due notice to attend. Hearing and decisions. Notice to parties.

197. An inquiry which this Act does not require to be either formal or summary, or which any revenue officer may on any occasion deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the [1][Provincial Government], or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good. Ordinary inquiries how to be conducted.

198. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them, or to persons claiming under them on due application being made for the same, subject to such charges for copying, etc., as may, from time to time be authorized by [2][the Provincial Government]. Copies and translations, etc., how to be obtained.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

Arrest of a defaulter to be made upon a warrant.

199. Whenever it is provided by this Act that a defaulter, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any lands or premises for purposes of measurement, etc.

200 It shall be lawful for any revenue officer at any time, and from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to [1][the Crown] or to private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same:

Proviso.

Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry; and provided also that in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Provincial Government to determine the language of a district.

201. The [2][Provincial Government] may declare what shall, for the purposes of this Act, be deemed to be the language in ordinary use in any district.

Collector how to proceed in order to evict any person wrongfully in possession of land.

202. Whenever it is provided by this, or by any other Act for the time being in force, that the Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, viz. :—

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and,

if such notice is not obeyed by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and,

if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistence or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector or of any Mamlatdar or Mahalkari, or send him with a warrant, in the form of Schedule I, for imprisonment in the civil jail of the district for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

Appeals and Revision.

Appeal to lie from any order passed by a revenue officer to his superior.

203. In the absence of any express provision of this Act, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Act or any other law for the time being in force, to that officer's immediate superior, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

Appeal when to lie to the [1][State] Government.

204. [1][Subject to the provision in the Bombay Revenue Tribunal Act, 1939] an appeal shall lie to the [2][[3][State] Government] from any decision or order passed [4]* * * by a Survey Commissioner, except in the case of any decision or order passed by such officer on appeal from a decision or order itself recorded in appeal by any officer subordinate to him.

Periods within which appeals must be brought.

205. No appeal shall be brought after the expiration of sixty days if the decision or order complained of have been passed by an officer inferior in rank to a Collector or a Superintendent of Survey in their respective departments; nor after the expiration of ninety days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Admission of appeal after period of limitation.

206. Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer or the [2][[3][State] Government] [5][to whom or to which] he appeals, that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order passed under this section admitting an appeal.

Provision where last day for appeal falls on a Sunday or a holiday.

207. Whenever the last day of any period provided in this Chapter for the presentation of an appeal falls on a Sunday or other holiday recognized by [6][the [3][State] Government] the day next following the close of the holiday shall be deemed to be such last day.

Copy of order to accompany petition of appeal.

208. Every petition of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Powers of appellate authority.

209. The appellate authority may [7][for reasons to be recorded in writing] either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or to take such additional evidence as he may think necessary, or he may himself take such additional evidence.

[8][Provided that it shall not be necessary for the appellate authority to record reasons in writing—

(*a*) when an appeal is dismissed summarily, or

(*b*) when the decision or order appealed from is itself a decision or order recorded in appeal, or

(*c*) when an appeal is made to the [2][[3][State] Government] under section 204.]

Power to suspend execution of order of subordinate officers.

210. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended.

---

1 This portion was inserted by Bom. 28 of 1950, Sch.
2 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation or Indian Laws Order in Council.
3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
4 The words "by a Commissioner or" were deleted by Bom. 28 of 1950, Sch.
5 The words "to whom or to which" were substituted for the words "to whom", by the Adaptation of Indian Laws Order in Council.
6 The words "the Provincial Government" were substituted for the word "Government", *ibid.*
7 These words were inserted by Bom. 3 of 1932, s. 2 (*1*).
8 This proviso was added, *ibid*, s. 2 (*2*).

Power of [2][State] Government and of certain revenue officers to call for and examine records and proceedings of subordinate officers;

211. The [1][[2][State] Government] and any revenue officer, not inferior in rank to [3][an Assistant or Deputy Collector] or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue officer, for the purpose of satisfying [4][itself or himself, as the case may be,] as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely :—[5]* * * a Mamlatdar, a Mahalkari, [6][an] Assistant Superintendent of Survey and an Assistant Settlement Officer.

and to pass orders thereupon.

If in any case, it shall appear to the [1][[2][State] Government], or to such Officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, [7][it or he] may pass such order thereon as [7][it or he] deems fit :

[8][Provided that an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deem fit.]

Rules as to decisions or orders expressly made final.

212. Whenever in this Act it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The [1][[2][State] Government] alone shall be competent to modify, annul or reverse any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

MISCELLANEOUS.

Maps and land records open to inspection. Extracts and copies shall be given.

213. Subject to such rules and the payment of such fees as the [1][[2][State] Government] may from time to time prescribe in this behalf, all maps and [9][land records] shall be open to the inspection of the public at reasonable hours, and certified extracts from [10][the same] or certified copies thereof shall be given to all persons applying for the same.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] These words were substituted for the word "Collector" by s. 76 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "itself or himself as the case may be" were substituted for the word "himself" by the Adaptation of Indian Laws Order in Council.

[5] The words "an Assistant or Deputy Collector" were repealed by s. 76 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] This article was substituted for the word "and" by the Amending Act, 1895 (16 of 1895).

[7] The words "it or he" were substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[8] This proviso was added by s. 76 (*c*) of the Bombay Land-revenue (Amendment), Act, 1913 (Bom. 4 of 1913).

[9] These words were substituted for the words "survey records and all village accounts and land registers" by s. 77, *ibid.*

[10] These words were substituted for the words "such maps, registers and accounts" by s. 77, *ibid*

[1][214. (*1*) The [2][Provincial Government] may, by notification published in the [3][*Official Gazette*], make rules not inconsistent with the provisions of this Act to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for therein. Rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

(*a*) regulating the appointment of revenue officers and the exercise by them of their powers and duties;

(*b*) regulating the assessment of land to the land revenue and the alteration and revision of such assessment and the recovery of land revenue;

(*c*) prescribing the notice to be given in the case of inquiries and orders under section 37;

(*d*) prescribing the purposes for which unalienated land liable to the payment of land revenue may or may not be used, and regulating the grant of permission to use agricultural land for non-agricultural purposes;

(*e*) regulating the disposal of land and other property [4][vesting in the Crown for the purposes of the Province];

(*f*) regulating the disposal of forfeited land;

(*g*) prescribing the terms and conditions on which, and the periods for which, unoccupied unalienated land may be granted;

(*h*) fixing the maximum amount of fine leviable under section 61;

[5][(*i*) regulating the conduct of surveys and settlements of land revenue and prescribing the notice to be given under section 117O before the introduction of the settlement];

(*j*) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under section 117A;

(*k*) regulating the construction, laying out, maintenance and repair of boundary marks;

(*l*) regulating the compilation, maintenance and revision of the record of rights and the registers of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised;

(*m*) regulating the exercise by village accountants and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 135G;

(*n*) prescribing the mode, form and manner in which appeals under Chapter XIII shall be drawn up and presented;

---

[1] Section 214 was substituted by s. 78 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] The words "vesting in the Crown for the purposes of the Province" were substituted for the words "vesting in Government", *ibid.*

[5] This clause was substituted by Bom. 20 of 1939, s. 12.

(*o*) prescribing the records, registers, accounts, maps and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained ;

[1][(*p*) the manner in which the assessment of survey numbers and sub-divisions thereof shall be based on their classification value ;

(*q*) the manner in which enquiry is to be held under section 117I ;

(*r*) the manner in which the rental value of land is to be ascertained by the Settlement Officer ;

(*s*) the manner in which the settlement report shall be published under section 117J ;

(*t*) the manner in which and the places at which the notice inviting objections to the settlement proposals shall be published under sub-section (*2*) of section 117J ;

(*u*) the scale according to which the surcharge shall be levied or the rebate shall be granted under sub-section (*2*) of section 117M.]

(*3*) The power to make rules under this section shall be subject to the condition of previous publication.]

Penalty for breach of rules.

[2][**215.** It shall be lawful for the [3][Provincial Government], in making any rule under section 214, to prescribe that any person committing a breach of the same shall on conviction by a Magistrate be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach.]

Chapters VIII to X to apply to alienated villages.

[4][**216.** (*1*) The provisions of Chapters VIII, VIII-A, IX and X shall be applicable to all alienated villages and alienated shares of villages subject to the following modifications :—

(*i*) subject to the provisions of any covenant or agreement entered into by the Provincial Government with the holder or holders of any such village or share the costs of any survey directed under section 95 or a fresh survey directed under section 106 and of any settlement carried out under the said Chapters in any such village or share shall be payable by the holder or holders in proportion to their share in the rent or revenue of the village or share ;

(*ii*) if the Provincial Government so directs such costs shall also be payable by any class of persons who, in the opinion of the Provincial Government, have any interest in any land in such village or share and in such proportion as the Provincial Government may direct ;

(*iii*) on the introduction of a settlement under Chapter VIII or VIII-A in any such village or share, the holder or holders of such village or share shall, in proportion to his share in the rent or revenue of the village or share, be liable to pay —

(*a*) the salaries of the village officers appointed for the village or the share including the commutation allowance payable in respect of a commuted kulkarni watan in the village, if any,

(*b*) the costs of the levy of a cess under section 93 of the Bombay Local Boards Act, 1923 ; Bom. VI of 1923.

---

[1] Clauses (*p*) to (*u*) were inserted by the Bom. 20 of 1913, s. 12.

[2] Section 215 was substituted by s. 78 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Section 216 was substituted for the original by Bom. 45 of 1947, s. 2.

(*iv*) the liability under clauses (*i*) and (*iii*) shall be a first charge on the rent or revenue of such village or share;

(*v*) the total amount payable under clauses (*i*) and (*iii*) in respect of the holding in any such village or share shall be recoverable from the holder of such village or share entered in the Record of Rights;

(*vi*) the amount payable under clause (*ii*) by any class of persons shall be recoverable in such manner as the Provincial Government directs from the members of that class as entered in the Record of Rights.

(*2*) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section.]

Holders of land in alienated villages.

217. When a survey settlement has been introduced under the provisions of the last section or of any law for the time being in force, into an alienated village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as [1][holders of land] in unalienated villages have, or are affected by, under the provisions of this Act, and all the provisions of this Act relating to [1][holders of land in unalienated villages] [2]* * * shall be applicable, so far as may be, to them.

Construction of this Act.

218. Nothing in this Act, which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land or of [3][the Crown] in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Act in terms relating to unalienated land only.

SCHEDULE A.

Repealed by Bom. IV of 1913, s. 81.

SCHEDULE B.

[*Omitted by the Adaptation of Indian Laws Order in Council.*]

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 25 OR 157.

Seal.

To

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A.B.* of was on the day of 197 , ordered by to (*here state the substance of the demand made*); and whereas the said *A.B.* has neglected to comply with the said

[1] These words were substituted for the word "occupants" by s. 80 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "and registered occupants" were repealed by s. 80 (*b*), *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

order, and it has therefore been directed, under the provisions of section of the Bombay Land Revenue Code, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of section 25 or 28 (*or* section 157 or 164, *as the case may be*,) of the said Code; you are hereby required to receive the said *A. B.* into Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 194 .

(Signature of Collector.)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 28 OR 164.

WHEREAS I, , have been ordered by to (*here state the nature of the demand*) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that in the event of a decree being passed against me I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the abovementioned amount of rupees (*or* will deliver up the abovementioned papers or property, *as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the [1][Crown] the sum of rupees.

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

WE, hereby declare ourselves securities for the abovesaid that he shall do and perform all that he has above undertaken to do and perform and in case of his making default therein we hereby bind ourselves to forfeit to the [1][Crown] the sum of rupees.

Dated

(Signature.)

[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

SCHEDULE E.

(*See section 84.*)

I—Form of Notice to be given by Landlord to Tenant to quit.

To

A. B.

I do hereby give you notice that I do intend to enter upon, and take possession of, the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the of 195 .

(Signed) *C. D.*

Dated this day of 195

II—Form of Notice to be given by Tenant to Landlord of his intention to quit.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year terminating on the of 195 the land (*here give the description*) which I hold from you.

(Signed) *A. B.*

Dated this day of 195 .

SCHEDULE F.

[*Repealed by Bom. IX of 1951, s. 2, First Schedule.*]

SCHEDULE H.[1]

(*See section 133.*)

Form of Sanad for Building Sites.

[2][*The Asoka Capital Motif.*]

The [3][Government of Bombay.]

To.....

Whereas [4][the [5][State] Government], with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Bombay Land Revenue Code, directed a survey of the lands within the of

---

[1] There is no Schedule G.

[2] These words were substituted for the words "Royal Arms" by the Adaptation of Laws Order, 1950.

[3] The words "Government of Bombay" were substituted for the words "Secretary of State in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the words "His Excellency the Governor of Bombay in Council", *ibid.*

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

and ordered the necessary inquiries connected therewith to be made, this sanad is issued under section 133 of the said Code to the effect that—

There is a certain plot of ground occupied by you in the division of the of register No. , in the map marked sheet , No. and facing towards the , the road leading from to , containing about square yards and of the following shape and about the following dimensions :—

You are hereby confirmed in [1][the said occupancy] exempt from all land revenue (*or* subject to the payment of Rs. per annum to the land revenue).

[1] These words were substituted for the words "the occupancy of the above described grounds" by s. 83 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the [1][State Government], without any objection or question as to title to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Bombay Land Revenue Code or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

[2]* * * * * * *

(Signed)

SCHEDULE I.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 202.

Seal.

To

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A.B.* of has resisted (*or* obstructed) *C.D.* in removing *E.F.* (*or* himself that is, the said *A.B.*) from certain land in the village of in the taluka, and whereas it is necessary, in order to prevent the continuance of such obstruction (*or* resistance) to commit the said *A.B.* to close custody; You are hereby required under the provisions of section 202 of the Bombay Land Revenue Code to receive the said *A.B.* into the Jail under your charge and there to keep him in safe custody for days.

Dated this day of 195 .

(Signature of Collector.)

---

[1] These words were substituted for the words "British Government" by the Adaptation of Laws Order, 1950.

[2] The words and letters "This sanad is executed on behalf of the Secretary of State for India in Council by order of the Governor in Council of Bombay, by and under the hand and seal of this day of one thousand eight hundred and A.D." were omitted by the Adaptation of Indian Laws Order in Council.